



April 2018

Teacher Strikes in Pennsylvania

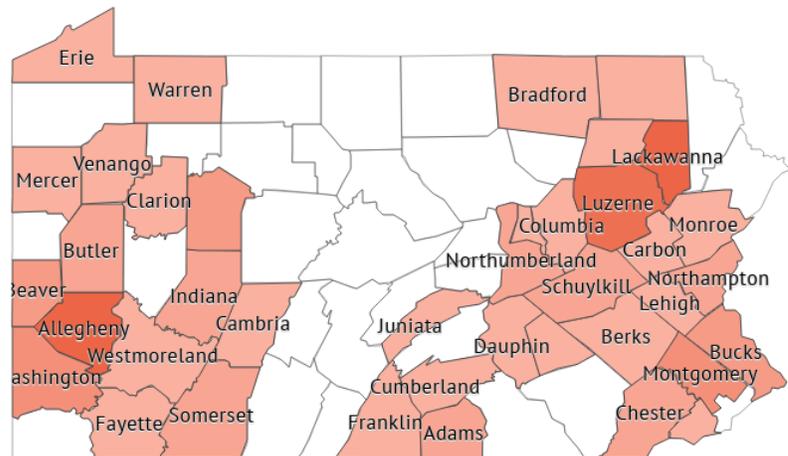
Pennsylvania leads the nation in the number of teacher strikes from 1968-2012. State laws on teacher strikes vary, but one thing is clear, despite expansive collective bargaining rights and impasse procedures Pennsylvania students are harmed every year by teacher strikes.

Labor Laws and Labor Unrest

- Right-to-work laws do not increase labor unrest.
 - 28 states have right-to-work laws (including Missouri, which has a law requiring voter approval in November 2018).
 - Of these states, only Louisiana permits teacher strikes.
- A 2015 [Freedom Foundation report](#) found public employees in non-right-to-work states are between 17 and 26 times *more likely* to strike than those in right-to-work states. This rebuffs the contention that union security and exclusive representation maintain labor peace.
- The Pennsylvania Department of Education records [131 strikes from August 1999 – March 2018](#), totaling 1,383 missed school days. Based upon 2016-17 enrollment figures, this impacted roughly 300,000 students.

Pennsylvania Teacher Strikes

1999-2018



Source: Pennsylvania Department of Education Open Records response.

National Teacher Strike Laws and Penalties

- **Twelve states** legally permit teacher strikes (Alaska, California, Colorado, Hawaii, Illinois, Louisiana, Minnesota, Montana, Ohio, Oregon, Pennsylvania, and Vermont).
 - An additional two states (Utah and Wyoming) have no statute addressing the legality of teacher strikes (South Carolina is not included in this category, as state law does not permit collective bargaining).
- Two thirds of the country, 36 states, prohibit teacher strikes.
 - Work-arounds, such as administrators and teachers agreeing to suspend class and close schools or teachers taking sick days during a strike, effectively allows teacher strikes that avoid legal penalties, loss of paid days, or the threat of not completing state-mandated 180 school days.
- Eighteen states impose penalties for striking, including:
 - Loss of pay or fines – 9 states.
 - Misdemeanor charges, which can result in fines and/or imprisonment – 3 states.
 - Teacher suspension or dismissal, often for a set time-frame – 5 states.
 - Loss of dues deduction rights for unions – 5 states.
 - Decertified of unions (may include a set time-frame) or lost contract rights – 4 states.
- Teachers can face consequences even in states without statute-based penalties. For example, a New Jersey judge in 2001 **jailed four teachers** for violating a return-to-work order.
- Banning teacher strikes does not prevent them: **West Virginia's statewide walkout** from February 22 to March 6 occurred despite **a prohibition on the practice**.

Pennsylvania Teacher Strike Laws

- Collective bargaining laws determine the scope of union negotiations. Pennsylvania grants broad collective bargaining privileges, applying to wages, hours, fringe benefits, and other terms and conditions of employment.
- When parties cannot reach agreement during collective bargaining, **Pennsylvania imposes** mediation and fact-finding procedures, and additionally requires binding arbitration, with a choice among settlement options:
 - final best package offer from employer/union/fact-finder (if the last exists),
 - issue-by-issue settlement from one of the three,
 - or selecting one of the three's offers based on considering economic and non-economic issues as "separate units."
- According to Pennsylvania state statute, striking is legal for teachers (with limitations on duration) after exhausting impasse procedures.
 - **Statute states**, "If a strike by public employees occurs after the collective bargaining processes set forth in sections 801 and 802 of Article VIII of this act have been completely utilized and exhausted, it shall not be prohibited unless or until such a strike creates a clear and present danger or threat to the health, safety or welfare of the public."
- Case law says teachers cannot continue a strike if it deprives children of the mandatory number of school days. The Secretary of Education may seek an injunction if a strike threatens completion of 180 school days.

Impact on Pennsylvania Teachers

Union members disagreeing with teacher strikes can face repercussions.

- If a full dues-paying teacher refuses to picket, the local Pennsylvania State Education Association (PSEA) or the Pennsylvania Federation of Teachers (PFT) union can penalize

them, from animosity to loss of access to union strike funds or fines levied on non-strikers.

- Having lobbied for exclusive representation rights, the union cannot refuse to represent a teacher paying a fair share fee in lieu of full membership. And the union cannot reduce a non-union member's pay or benefits.
- Teachers who are fair share fee payers are not required to participate in *any* union actions. Fair share fee members pay the union to [cover the cost of contract negotiations and grievance resolution only](#).

Additional Resources

1. [Fifty State Labor Report](#), which contains an appendix of public sector labor laws in each state.
2. [Teacher Impasse and Strike Laws chart](#).
3. [List of Pennsylvania teacher strikes between 1999-March 2018](#), acquired from the Pennsylvania Department of Labor.
4. Freedom Foundation report, [Does Union Security Promote Labor Peace in Public Employment Relations?](#)