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Strained States Turning to Laws to Curb Labor Unions

By STEVEN GREENHOUSE

Faced with growing budget deficits and restive taxpayers, elected officials from Maine to Alabama, Ohio to Arizona, are pushing new legislation to limit the power of labor unions, particularly those representing government workers, in collective bargaining and politics.

State officials from both parties are wrestling with ways to curb the salaries and pensions of government employees, which typically make up a significant percentage of state budgets. On Wednesday, for example, New York's new Democratic governor, Andrew M. Cuomo, is expected to call for a one-year salary freeze for state workers, a move that would save $200 million to $400 million and challenge labor's traditional clout in Albany.

But in some cases — mostly in states with Republican governors and Republican statehouse majorities — officials are seeking more far-reaching, structural changes that would weaken the bargaining power and political influence of unions, including private sector ones.

For example, Republican lawmakers in Indiana, Maine, Missouri and seven other states plan to introduce legislation that would bar private sector unions from forcing workers they represent to pay dues or fees, reducing the flow of funds into union treasuries. In Ohio, the new Republican governor, following the precedent of many other states, wants to ban strikes by public school teachers.

Some new governors, most notably Scott Walker of Wisconsin, are even threatening to take away government workers' right to form unions and bargain contracts.

"We can no longer live in a society where the public employees are the haves and taxpayers who foot the bills are the have-nots," Mr. Walker, a Republican, said in a speech. "The bottom line is that we are going to look at every legal means we have to try to put that balance more on the side of taxpayers."

Many of the proposals may never become law. But those that do are likely to reduce union influence in election campaigns, with reverberations for both parties.

In the 2010 elections, Republicans emerged with seven more governor's mansions and won control of the legislature in 26 states, up from 14. That swing has put unions more on the defensive than they have been in decades.

But it is not only Republicans who are seeking to rein in unions. In addition to Mr. Cuomo, California's new Democratic governor, Jerry Brown, is promising to review the benefits received by government workers in his state, which faces a more than $20 billion budget shortfall over the next 18 months.

"We will also have to look at our system of pensions and how to ensure that they are transparent and actuarially sound and fair — fair to the workers and fair to the taxpayers," Mr. Brown said in his inaugural speech on Monday.

Many of the state officials pushing for union-related changes say they want to restore some balance, arguing that unions have become too powerful, skewing political campaigns with their large war chests and throwing state budgets off kilter with their expensive pension plans.

But labor leaders view these efforts as political retaliation by Republicans upset that unions recently spent more than $200 million to defeat Republican candidates.

"I see this as payback for the role we played in the 2010 elections," said Gerald W. McEntee, president of the American Federation of State, County and Municipal Employees, the main union of state employees. Mr. McEntee said in October that his union was spending more than $90 million on the campaign, largely to help Democrats.

“Now there’s a bull’s-eye on our back, and they’re out to inflict pain,” he said.

In an internal memorandum, the A.F.L.-C.I.O. warned that in 16 states, Republican lawmakers would seek to starve public sector unions of money by requiring each government worker to “opt in” before that person’s dues money could be used for political activities.

“In the long run, if these measures deprive unions of resources, it will cut them off at their knees. They’ll melt away,” said Charles E. Wilson, a law professor at Ohio State University.

Of all the new governors, John Kasich, Republican of Ohio, appears to be planning the most comprehensive assault against unions. He is proposing to take away the right of 14,000 state-financed child care and home care workers to unionize. He also wants to ban strikes by teachers, much the way some states bar strikes by the police and firefighters.

“If they want to strike, they should be fired,” Mr. Kasich said in a speech. “They’ve got good jobs, they’ve got high pay, they get good benefits, a great retirement. What are they striking for?”

Mr. Kasich also wants to eliminate a requirement that the state pay union-scale wages to construction workers on public contracts, even if the contractors are nonunion. In addition, he would like to ban the use of binding arbitration to settle disputes between the state and unions representing government employees.

Labor leaders, who argue that government employees are not overpaid, worry that many of these measures have a much better chance of enactment than in previous years because of Republican electoral gains and recession-ravaged taxpayers’ reduced sympathy toward government workers.

The A.F.L.-C.I.O.’s internal memo warned labor leaders, “With the enormous losses in state legislatures around the country, we will face not only more attacks on working families and their unions — we will face more serious attacks, particularly in the formerly blue or purple states that are now controlled by a Republican trifecta."

It pointed in particular to six states, including several former union strongholds, where Republicans control the governor's mansion and both houses of the legislature: Indiana, Maine, Michigan, Ohio, Pennsylvania and Wisconsin.

Naomi Walker, the A.F.L.-C.I.O.'s director of state government relations, said many voters would oppose the antiunion efforts. "I think folks in these states are going to ask whether this is the right time to weaken unions when corporations are amassing more power than ever," she said. "We've been fighting against privatizing Social Security and sending jobs offshore and to get the best deal for the unemployed. It would be a lot easier for Republicans if unions weren't there to throw up these roadblocks."

Union leaders particularly dread the spread of right-to-work laws, which prevail in 22 states, almost all in the South or West. Under such laws, unions and employers cannot require workers to join a union or pay any dues or fees to unions to represent them.

Unions complain that such laws allow workers in unionized workplaces to reap the benefits of collective bargaining without paying for it. Pointing to lower wages in right-to-work states, unions say the laws lead to worse wages and benefits by weakening unions.

But lawmakers who are pushing right-to-work laws argue that they help attract investment. "The folks who work day-to-day in economic development tell us that the No. 1 thing we can do to make Indiana more attractive to business is to make Indiana a right-to-work state," said Jerry Torr, an Indiana state representative who backs such legislation.

Some union leaders say that proposals like right-to-work laws, which have little effect on state budgets, show that Republicans are using budget woes as a pretext to undercut unions.

"They're throwing the kitchen sink at us," said Randi Weingarten, president of the American Federation of Teachers. "We're seeing people use the budget crisis to make every attempt to roll back workers' voices and any ability of workers to join collectively in any way whatsoever."

A group composed of Republican state lawmakers and corporate executives, the American Legislative Exchange Council, is quietly spreading these proposals from state to state, sending e-mails about the latest efforts as well as suggested legislative language.

Michael Hough, director of the council's commerce task force, said the aim of these measures was not political, but to reduce labor's swollen power. "Government budgets have grown and grown because of the cost of employees' pensions and salaries," he said. "Now we have to deal with that."