



## **Five More Myths About Collective Bargaining Reform and Senate Bill 5**

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### **Myth #11: Collective bargaining is a constitutional right.**

**Reality:** Big Labor and their allies like to portray collective bargaining as a constitutional right and that the loss of it is akin to losing a right that is fundamental to America. A careful reading of the U.S. Constitution and Ohio Constitution easily refutes that notion, as such a right is nowhere to be found among the Bill of Rights. In fact, you cannot even find a U.S. Supreme Court or Ohio Supreme Court case making such a claim (even among the penumbras and emanations).

It wasn't America's Founding Fathers James Madison or Thomas Jefferson who wrote the phrase "Workers of the world, unite!" They were more concerned with an individual's unalienable right to liberty. It was communists Karl Marx and Friedrich Engels in The Communist Manifesto in 1848 who focused on workers and unions. That slogan became the motto of the U.S.S.R., otherwise known as the Soviet Union. As you know, the Soviet Union is now on President Ronald Reagan's ashheap of history.

The reality is that the vast majority of workers—public and private—in America don't collectively bargain over any aspect of their work life. Collective bargaining is more akin to an entitlement permitted by voters. Voters, through their elected representatives, didn't entitle government workers the ability to collectively bargain until 1983. In many states, government workers still aren't entitled to collectively bargain.

Thus, curbing the collective bargaining entitlement because we can no longer afford it in its current form isn't taking away anyone's right; rather, it is, as previously mentioned in *Top Ten Myths About Collective Bargaining Reform and Senate Bill 5*, restoring taxpayers' right to efficient government and realigning entitlements to fit Ohio's new economic normal.

### **Myth #12: Necessary cuts can be made within the current collective bargaining scheme.**

**Reality:** You've likely seen or heard a news report in the last few months about a school district or city union agreeing to freeze future pay or some other contract restructuring. Big Labor and their allies will use these scripted events to argue that

collective bargaining reform isn't needed because these cuts were made under the current law. While technically true, this sleight of hand ignores the fact that few of these contract restructurings occurred before the introduction of SB5 and would not have occurred had SB5 not become law.

This move is akin to a perpetual speeder slowing down at a certain place because he knows there is a police officer with a radar gun waiting for him. His sudden change in speed doesn't mean he won't speed again once he gets past the police officer. Does anyone really believe that the restructuring occurring today will occur should Ohio's collective bargaining reform be reversed?

The other problem is that the restructurings almost always involve freezes or reduced raises, which don't fundamentally realign the base pay of employees. That means that the spending curve is merely delayed instead of decreased. With a looming \$7.6 billion statewide deficit in our 613 school districts, base pay cuts must start occurring or taxes will have to go up significantly.

Other than teachers in the Sidney School District and administrators in the Sylvania School District, we are unaware of other contracts where base pay cuts occurred. If you know of such contracts, please email us at [info@buckeyeinstitute.org](mailto:info@buckeyeinstitute.org) so we can note other instances where the truly tough call has been made.

### **Myth #13: Ohio has a revenue problem.**

**Reality:** Much ink has been spent denigrating the "Taft tax cuts" as the cause of Ohio's deficit. This focus on state income tax cuts is misplaced, as it ignores what occurred on the spending side of the ledger over the last two decades. In 1990, the general revenue fund expenditures for Ohio stood at just under \$11.6 billion. By 2009, it had grown to roughly \$27 billion. In just 19 years, Ohio's budget grew by over 131 percent. Even adjusting for inflation, Ohio's budget outpaced inflation by 41 percent. If Ohio's political leaders simply had restrained spending to annual inflation plus population growth, Ohio's general revenue fund expenditures in 2009 would have been roughly \$19.3 billion, or \$7.5 billion less than the 2009 general revenue fund expenditures and well within Ohio's post-Taft revenue collection total.

The far bigger problem is at the local level. Unlike the state income tax, local tax cuts rarely ever happen. When is the last time your city, county, or property taxes went down? Yet, local governments have massive and growing deficit problems, as the 613 school districts vividly demonstrate. These deficits existed well before the 2012-2013 state budget was filed back in January 2011. With compensation packages swallowing up 96 percent of all revenue by 2015 in our school districts, it is clear Ohio has a local spending problem that matches or exceeds our state spending problem.

**Myth #14: A majority of teachers work large numbers of uncompensated time.**

**Reality:** Whether it is in a news story, email sent from an angry teacher, or casual conversation, rarely do you hear a teacher admit that he has a pretty good deal for the number of contractually required hours he has to work (1,350 to 1,450 per year) and his level of compensation for that work (median statewide average of \$52,001 in 2010—that equates to a median pay of \$74,595 for a standard 2,080 work-year). Instead, scores of teachers insist that they work nights, weekends, and summers like the rest of us do (above our 2,080 work-year). The problem with this narrative (beyond the countless Facebook statements of teacher friends about summer vacations) is that it would mean that a majority of Ohio’s K-12 teachers are working hundreds, if not thousands, of hours without being compensated for those hours.

Given how effective the Ohio Education Association (OEA) is at representing its members, we doubt Big Labor would stand by idly and allow its members to work without being compensated. Heck, the OEA makes sure that teachers get additional days off to compensate for attending evening parent-teacher conferences. Are we to believe it allows its members to work for free? Of course, we know good teachers do go the extra mile and it shows in their classrooms. Under a merit pay system, those teachers will prosper and not be lumped in with the teachers who do just enough to get by.

**Myth #15: Big Labor and its allies would have agreed to minor reforms.**

**Reality:** Back in 1995, Governor George Voinovich and members of the Ohio General Assembly wanted to change the definition of “inherent management rights” under Ohio’s collective bargaining law. Big Labor and its allies opposed that minor reform. More critically, at no point since enacted in 1983 did Big Labor and its allies pass any reforms to Ohio’s collective bargaining law. Even facing an enormous deficit, Governor Ted Strickland and Speaker Armond Budish failed to pass so much as a tweak, nip, or tuck to any portion of Ohio’s pro-union collective bargaining law.

Instead, Governor Strickland issued two (still not rescinded) Executive Orders unionizing nearly 15,000 home health care (EO 22S) and childcare workers (EO 02S) without so much as a vote. With so many republican and democrat leaders across the United States moving to amend their collective bargaining laws to bring balance to their states, such a move would have shown the kind of leadership and independence Ohio so desperately needed. Thus, any claim now that minor reforms would have been agreeable to Big Labor and their allies is an empty one, made knowing they don’t have to actually do anything to show it to be true.