



Cornell University
ILR School

Cornell University ILR School
DigitalCommons@ILR

Articles and Chapters

ILR Collection

2017

To Collect and Preserve: The State of State-Level CBA Collections in the U.S.

Aliqae Geraci

Cornell University, asg255@cornell.edu

Jim DelRosso

Cornell University, jdd10@cornell.edu

Follow this and additional works at: <http://digitalcommons.ilr.cornell.edu/articles>

 Part of the [Archival Science Commons](#), [Collective Bargaining Commons](#), [Labor History Commons](#), and the [Unions Commons](#)

Thank you for downloading an article from DigitalCommons@ILR.

Support this valuable resource today!

This Article is brought to you for free and open access by the ILR Collection at DigitalCommons@ILR. It has been accepted for inclusion in Articles and Chapters by an authorized administrator of DigitalCommons@ILR. For more information, please contact hlmdigital@cornell.edu.

To Collect and Preserve: The State of State-Level CBA Collections in the U.S.

Abstract

In order to evaluate the preservation and accessibility of public sector collective bargaining documentation in the United States, the authors conducted a fifty-state survey of public sector CBA collections. The study generated relevant data in four key areas: the presence of such collections, the scope of existing collections with regard to covered employees, the depth of those collections when compared to historical collective bargaining in a given state, and the relationship between a perceived legal mandate for collection and the presence of such collections. The authors discuss the public policy implications of their findings, and areas for further study, action, and advocacy.

Keywords

public sector, public records, labor unions, collective bargaining agreements, collective bargaining

Disciplines

Archival Science | Collective Bargaining | Labor History | Unions

Comments

Required Publisher Statement

© [United Association for Labor Education](#). Final version published as: Geraci, A., & DelRosso, J. (in press).

To collect and preserve: The state of state-level CBA collections in the U.S. *Labor Studies Journal*.

doi: 10.1177/0160449X17703485

Reprinted with permission. All rights reserved.

Suggested Citation

Geraci, A., & DelRosso, J. (2017). *To collect and preserve: The state of state-level CBA collections in the U.S.* [Electronic version]. Retrieved [insert date], from Cornell University, ILR School site:

<http://digitalcommons.ilr.cornell.edu/articles/1155>

**TO COLLECT AND PRESERVE:
The State of State-Level CBA Collections in the U.S.**

Aliqae Geraci

Coordinator, Labor & Employment Research Team
Hospitality, Labor, and Management Library
Cornell University
239B Ives Hall
Ithaca, NY 14850
E: asg255@cornell.edu
P: (607) 255-2703
F: (607) 255-2741

Jim DelRosso

Digital Projects Coordinator
Hospitality, Labor, and Management Library
Cornell University
239D Ives Hall
Ithaca, NY 14850
E: jdd10@cornell.edu
P: (607) 255-8688
F: (607) 255-2741

Abstract

In order to evaluate the preservation and accessibility of public sector collective bargaining documentation in the United States, the authors conducted a fifty-state survey of public sector CBA collections. The study generated relevant data in four key areas: the presence of such collections, the scope of existing collections with regard to covered employees, the depth of those collections when compared to historical collective bargaining in a given state, and the relationship between a perceived legal mandate for collection and the presence of such collections. The authors discuss the public policy implications of their findings, and areas for further study, action, and advocacy.

Keywords

public sector, public records, labor unions, collective bargaining agreements, collective bargaining

Aliqae Geraci is the Assistant Director of Catherwood Research and Learning Services for Cornell University's Hospitality, Labor, and Management Library. A former public librarian and union researcher, she is an active member of the Tompkins County Workers' Center and the coauthor of *Grassroots Library Advocacy* (ALA Publishing, 2012).

Jim DelRosso is the Digital Projects Coordinator for Cornell University's Hospitality, Labor, and Management Library. He manages DigitalCommons@ILR, the open access digital repository for the New York State School of Industrial and Labor Relations (ILR), and also serves as a research and instruction support librarian for ILR's Martin P. Catherwood Library.

The authors would like to thank Curtis Lyons and Daniel Hickey of Cornell's Hospitality, Labor, and Management Library for their support and encouragement over the lifecycle of this project; the myriad staff of state administrative agencies for their time and knowledge; and Mary Newhart (formerly of the Martin P. Catherwood Library), Laura Leavitt (William C. Gast Business Library), and Donna Schulman (James B. Carey Library, retired) for their insight regarding the mechanics of founding and maintaining public sector CBA collections in an academic library setting.

**TO COLLECT AND PRESERVE:
The State of State-Level CBA Collections in the U.S.**

Whether in the Wisconsin State House or the Chicago streets, public sector collective bargaining has become a flashpoint for the modern labor movement. Actions on the part of public sector workers are frequently in response to government action, of which there is no dearth: over 5,000 pieces of legislation encompassing a range of labor and employment topics have been proposed, debated, or passed on the state level since 2011 (“Collective Bargaining and Labor Union Legislation Database” 2016).

But all too often, these public debates take place in an information desert, with limited public access to the key records of past labor action: the collective bargaining agreements themselves. The authors, librarians serving a school of industrial and labor relations, work closely in maintaining their library’s publicly accessible collective bargaining agreement collections, support scholars and practitioners engaged in contract research, and participate in a community of industrial relations libraries that includes other CBA collections. In 2013, the authors received a reference question from a faculty member seeking a collection of public sector bargaining agreements in Illinois similar to the library’s extensive online collection of agreements from the New York State Public Employment Relations Board. Surprised and dismayed to discover that no such comprehensive collection existed under agency purview, the authors initiated a fifty state survey of agencies in order to evaluate the landscape of state-level collective bargaining agreement collections in the United States.

This article describes the methodology of the study, as well as the findings with regard to the existence and scope of state-level public sector collective bargaining agreement collections. The authors conclude with an overview of collection gaps and vulnerabilities, address research and public policy implications, and identify areas where further study is needed to inform collective understanding of public sector collective bargaining documentation and access.

Literature Review

While the combination of the scope and subject of this study is unique, a review of the literature reveals precedent in the form of similar state-by-state comparisons in a number of fields.

Several of these studies utilize data from the U.S. Census for their comparisons. Bernstein, McNichol, and Lyons (2006) mined such data to expose trends in income (and income inequality) across states in the wake of the 2001 recession and subsequent recovery. Ryu (2010) used census data to examine gender earnings gaps on a state-by-state level and their relationship to state policies; it is interesting to note that this study used quantitative valuations of the policy environment rather than attempting to detail each state's policy landscape directly.

Other studies have examined such policies directly, however. The National Partnership for Women & Families (2012) conducted a state-by-state examination of family leave laws, and how each state's laws compared to existing federal law in that sphere. Glassmeyer (2016) applied a similar scope to the law itself, examining the openness of state level primary legal information, paralleling some of this study's examination of the public availability of collective bargaining agreement collections.

Studies of collective bargaining and collective bargaining policy can be found elsewhere in the literature. Freeman and Han (2013) examined the existence of public sector unionism in states where collective bargaining is banned. Sanes and Schmitt (2014) provided key information for this study's evaluation in their investigation of public sector collective bargaining regulation in all fifty states. Actual collections of CBAs receive significantly less attention, though Bissett and Heinen (2001) address strategies for researchers in search looking for sources of agreements.

Although literature focused on CBA collections practices is scarce, contract collections are an integral part of the primary source infrastructure for labor and industrial relations research on the public sector, with outcomes and methodologies influenced by collection development practices. Saltzman's (1988) analysis of the impact of public sector bargaining laws in Ohio and Illinois highlighted the

relatively unique presence of existing public sector contract collection activity in Illinois at the time of publication:

“In Illinois, quantitative assessment of the impact of the 1983 bargaining legislation is more easily done than it is in Ohio, primarily because the Illinois State Board of Education has been collecting data on labor agreements in the public schools since the early 1970s. The state board obtains copies of all signed agreements between school boards and teacher unions and records the presence or absence of various contract provisions. The board summarizes these data in annual pamphlets and also produces data tapes with detailed information for each school district. Copies of these tapes were obtained for this study.”

More recent research was facilitated by subsequent Ohio collection activity, with Ingle, Willis, and Fritz (2015) investigating the impact of state law on teacher compensation and work rules through analysis of school district contracts collected by the Ohio State Employment Relations Board (SERB). Collections maintained by the New York Public Employee Relations Board (PERB) are explicitly noted in methodologies by Chung et al. (2008)

In the absence of readily available public sector contract collections, researchers must incorporate an array of techniques for generating sufficient data for analysis. Such encumbrances can be understood in decades past, in less mature collective bargaining systems, and with information request processes unmediated by technology. Gerhart (1976) referenced assistance from multiple union research departments in acquiring over 200 municipal contracts, as did Eberts (1983) for obtaining New York teacher contracts with the help of New York State United Teachers (NYSUT). Carter and Sapp (1993) surveyed almost 700 public sector law enforcement executives across the U.S. in order to obtain 328 current collective bargaining agreements for a content analysis, similar to the method used in Kochan and Wheeler’s 1975 analysis of municipal bargaining outcomes in thirty-five states.

However, modern collection gaps still prompt manual processes: Cowen and Fowles (2013) resorted to an open records request to the Jefferson County Public School General Counsel in order to obtain the five CBAs covering Louisville, KY public school teachers since 1979 (one recent contract was available online), while Goldhaber et al. (2013) obtained contracts for 270 school districts in Washington

state by reviewing district and union websites, requests via phone and email, and more formal public records requests.

The challenge of acquiring comprehensive CBA collections can be obscured when not directly addressed in discussions of research methods. Cowen and Strunk's (2015) meta-analysis of teacher's union research cited multiple studies analyzing contracts in states without comprehensive public sector CBA collections. Studies that do not detail contract acquisition methods include Cohen-Vogel and Osborne-Lampkin's (2007) analysis of CBAs from sixty-six Florida school districts, Moe's (2009) content analysis of contracts spanning 371 California public school districts, and Strunk's numerous analyses of public school teacher contracts in California (characterized as "self collected" in 2010 with Grissom and solo in 2011 but without note in 2012 and with McEachin in 2011).

While paths have been laid in the literature for aspects of this study, the authors' observation of gaps in research and guidance motivated their examination of the existence of collections, state by state, in order to generate an overview that could inform researcher and stakeholder discourse and practices related to the access and use of collective bargaining agreements.

Methodology

In order to identify and evaluate state-level CBA collections practices, the authors needed to contact the relevant state agency representatives. As the public sector labor-relations framework varies from state to state, so too does the administrative structure that monitors and regulates it. For each state, the authors reviewed the current legal environment for public sector labor relations to identify agencies that might then be expected to collect CBAs or be aware of retention practices, relying resources from the Center for Economic and Policy Research (Sanes and Schmitt 2014), the American Federation of State, County, and Municipal Employees ("AFSCME Contracts Online" 2014; "Public Sector Collective Bargaining Laws" 2016), and state government websites. This process informed the development of a contact list.

The authors deployed a qualitative methodology, collecting data through a series of interviews conducted via email, with responses subsequently coded and analyzed. The interview was selected (instead of a questionnaire) in order to allow independent engagement with respondents and solicit information in an open-ended manner, while maintaining consistency in initial question structure and content of subsequent inquiries and correspondence.

A set of standardized questions was designed, distributed across three tiers. The first, most highly-structured, tier was a form email to be adapted to each specific state agency: asking if the agency collected CBAs; and if so, if the CBAs covered all public employees; and if not whether the agency representatives knew of any such collection in the state. First-tier questions were prefaced by an introduction, an explanation of the research project, and reference to the specific state and agency; if identified, a link to known online public sector CBA collections for the state was also included.

The second tier included question content to be deployed according to the initial responses received. Respondents that indicated CBA collection were asked how far back the collection went, if deposit/collection was required by law or voluntary, what collection format was used (digital/print/mixed), what method of digitization was used (in-house or requested submission format), and whether the collection was publicly accessible or available by request. If the agency representative responded that CBAs were not collected, they were then asked if the agency had done so in the past.

Depending on second tier response content and applicability, the authors then asked the representatives if law/regulations required the employer or the union to submit contracts to the agency, if the collection was used heavily or garnered many information requests, and if digitization required a partnership or was outsourced.

In order to correspond with agencies in a manner which was both timely and compatible with the schedule of working academic librarians, it was determined that four states would be contacted in a given month, two per author. Each author was responsible for identifying agencies in their assigned states that

had the potential to provide the necessary information, as well as locating contact information and engaging in the correspondence necessary to obtain as many answers as possible to the questions described above. Additional research was also done in this stage to augment the preliminary survey of the public sector legal environment, and to follow up on information acquired through the interviews that revealed new potential agency contacts, collections, or laws.

The majority of interviews were completed between May 2013 and June of 2014, with follow-up to fill in gaps occurring in the summer of 2014 and the spring of 2015. At least one agency was targeted for contact in each state, with the exception of two states (North Carolina and Virginia) that explicitly prohibited public sector collective bargaining, removing the possibility of any collections.

The authors tracked correspondence and outcome summaries in a master spreadsheet, noting state, author assigned, research notes, hyperlinks to archived correspondence, state contract database URLs, agencies contacted (as many as three in some cases) and contact information, and dates of all correspondence. Occasionally not all information could be gathered during the allotted month, and correspondence rekindled as necessary to collect additional data.

The authors deployed two methods to analyze the summary spreadsheet and correspondence: one focused on the qualitative contents of each state's correspondence, and the other on quantifying information consistently across all states. The former took the form of profiles. All available correspondence for a given state, supplemented by information on that state's laws regarding public sector collective bargaining, was distilled into a single narrative profile of that state. The draft of each profile was initially written by the author who had not corresponded with that state's agencies, and then edited and revised by the author who had, to ensure that no aspect of the correspondence was excised and that the description of the state's public sector collective bargaining agreement collections accurately reflected the findings. The profiles contained citations for all correspondence referenced therein, as well as for all relevant state laws and other supporting documents. It is the intention of the authors to make these profiles available in their entirety at a later date.

Concurrently, narrative content and synthesized agency responses were coded. Coding was informed by the initial standardized email, but also reflected trends and issues identified during the fifty-state survey process. Elements captured in coding included presence or absence of public sector collective bargaining provisions, scope of agency CBA collection, depth of historical collection, collection format, public access, and presence of perceived mandate to collect.

Findings

The study of state agencies generated relevant data in four key areas: the presence of state-level public sector collective bargaining agreement collections, the scope of those collections with regard to covered employees, the depth of those collections when compared to historical collective bargaining in a given state, and the relationship between a perceived legal mandate for collection and the presence of such collections. More than 100 state agencies were contacted or investigated over the course of the study. While agency representatives from Delaware and Rhode Island did not respond to repeated inquiries, some data could be gleaned from reviewing agency websites, and are reflected in select findings.

Existence of collections

The primary question under investigation was that of which states have state agencies that were collecting public sector collective bargaining agreements, and which do not. As noted above, that question was addressed directly in the first tier of inquiries from the authors' standardized email: *Do you collect public sector CBAs? If so, for all public employees? If not, do you know who does have such a collection in your state?*

Of the states from which replies were received, twenty-seven contained at least one agency that maintained a collection of public sector collective bargaining agreements for that state, as seen in Figure 1.

Figure 1: Collections by State

	Collection(s) (27)	No Collection (21)	Agency Did Not Respond (2)
States	<i>AK, CA, CT, FL, HI, IL, IN, IA, KS, ME, MD, MI, MN, MO, MT, NE, NV, NH, NJ, NM, NY, OH, OR, PA, VT, WA, WI</i>	<i>AL, AZ, AR, CO, GA, ID, KY, LA, MA, MS, NC, ND, OK, SC, SD, TN, TX, UT, VA, WV, WY</i>	<i>DE, RI*</i>

* While Rhode Island agency representatives did not respond to repeated queries, the authors were able to identify a collection through a state website featuring contracts covering state workers.

In twenty-one other states, however, no agencies reported maintaining collections of public sector collective bargaining agreements, and an additional state (Delaware) did not respond. While several agency representatives simply indicated that no collection existed and left it at that, others provided reasons including: no public sector unions in the state; no jurisdiction over collective bargaining; existence of a state right-to-work law; no public sector collective bargaining in the state; and non-compliance with mandated submission of CBAs by the parties covered.

Many of these responses are especially interesting given the known context of labor and legal issues within the given states. A state being right-to-work, for example, should have no explicit legal impact on whether there is public sector collective bargaining in that state, let alone whether there is an agency collecting agreements. And while there are very few states where all public sector collective bargaining is banned by law, agencies in other states claimed that this was the case when explaining their lack of collections. Similarly, for a number of states where a lack of public sector unions was claimed, internet searches on the part of the authors belied that declaration.

Collection scope: employee type

Of the twenty-seven states with state agencies that collect public sector union contracts, about half (twelve states) only collect contracts that cover state employees, as opposed to collecting all or some

combination of contracts covering state, county, municipal, or local government employees in the states, as seen in Figure 2.

The presence of an exclusively state employee-centered collection does not necessarily reflect the scope of a state's legislative approach to public sector collective bargaining, however. For example, California's state law explicitly authorizes public sector collective bargaining for state employees, local governments, public schools, and universities, but currently collects state employee contracts only ("Bargaining/Contracts" 2016). The California Public Employment Relations Board (PERB) at one time collected contracts on this broader scope ("about [twenty] years ago", according to a California PERB staff member) but no longer does, and all agreements on file "have long since been destroyed as part of our document retention schedule."

Michigan state law broadly authorizes collective bargaining for public employees, but only collects for state employees (Mich. Comp. Laws § 423.215). Digital access to select contracts is available through the Office of the State Employer website, although a staff representative indicated that the print contract collection dated to the 1970s. In Michigan's case, the research gap is filled by an independent collection at Michigan State's William C. Gast Business Library that includes county and municipal contracts, but the collection is based on voluntary submissions.

Sixteen states reported collections of contracts covering either a different group or a broader range of public sector employees: Alaska, Hawaii, Illinois, Indiana, Iowa, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, Ohio, Oregon, and Pennsylvania. Indiana's Education Employment Relations Board maintains a narrowly-scoped collection of public school employee contracts, with no other contract collections located by this study. Montana's Office of the Commissioner of Higher Education collects University System employee contracts, and Nebraska's State College System, the Pennsylvania State System of Higher Education, and the University of Maine (as

well as the Oregon University System until 2015¹) maintain lists of current negotiated agreements on their websites, in addition to existing contract collections covering state employees for the five states. The Kansas Department of Administration maintains collections covering employees of the executive branch as well as the state public university system.

Of the 16 states listed above, nine maintain the most inclusive public sector contract collections. The Alaska Labor Relations Agency collects across the public sector, as does the Hawaii Labor Relations Board, Iowa’s Public Employee Relations Board, the Illinois Labor Relations Board, the Nevada Department of Business and Industry’s Local Government Employee-Management Relations Board, New Hampshire’s Public Employee Relations Board, the New Jersey Public Employment Relations Commission, New York’s Public Employee Relations Board, and Ohio’s State Employment Relations Board. Indeed, the authors initially focused attention on contacting relevant public employee boards within a state if possible, before realizing that collections were being maintained by a variety of agencies within the state structures.

Figure 2: Collections by State and Employee Coverage

	State Employees Only (12)	State + Higher Ed. Employees (6)	Public Sector Employees (broad) (9)	Public School Employees Only (1)
State Collections	<i>CA, CT, FL, MD, MI, MN, MO, NM, RI, VT, WA, WI</i>	<i>KS, ME, MT, NE, OR, PA</i>	<i>AK, HI, IA, IL, NV, NH, NJ, NY, OH</i>	<i>IN</i>

Within the twelve states reporting only state employee-centered collections, there may exist other contract collections that include state, county, or municipal contracts, or contracts may be available via the employing government’s information request processes. Additional collections reflecting other employee groups located by the authors that were not identified through initial research and agency

¹ Prior to the disbanding of the Oregon University System, a CBA collection was observed on the system website by the authors in March of 2015.

interview process included Maine (University and judicial systems), Michigan (independent public sector contract collection maintained by MSU Libraries), and Oregon (University system and a privately-maintained, subscription-based school district collection). However, most state agency contacts indicated that they were unaware of additional collections, and further exploration was beyond the scope of the authors' state agency-focused research. While Rhode Island agency representatives did not respond to repeated queries, the authors were able to identify a collection through a state website featuring contracts covering state workers.

Collection depth: historical representation

For the purpose of this study, the authors defined "historical" collections as those containing CBAs from pre-2005, in print or digital formats. Twenty-one states maintain historical CBA collections, while seven maintain current or recent, but not historical, collections. Even though some states had easily identifiable historical collections, agency representatives were still approached, and their responses recorded to check for accuracy, as well as to solicit additional information. Some states reported maintaining relatively recent online collections, but also administering print or microfilm collections dating back decades.

The state with the earliest identified collection was New Jersey, whose digital collection, maintained in a partnership with Rutgers and the New Jersey Public Employee Relations Commission, dates back to the 1960s. About a third of identified state-level historical collections date to the 1970s: Hawaii (early 1970s), Iowa (1976), Kansas (1970s), Maine (1979), Michigan (1970s), Minnesota (1973), Montana (mid 1970s), New York (1970s), Oregon (1970), and likely Wisconsin. Nebraska, and Ohio, begin to collect in the 1980s, followed by Alaska (1990) and California (1992).

States maintaining historical print or film collections in addition to more recent digital content include Alaska, Iowa, Maine, Michigan, Montana, Nebraska, New York, Ohio, Oregon, and Wisconsin.

Access levels vary; the presence of non-digital historical collections was not usually apparent until agency representatives were specifically queried.

While some states technically maintained historical collections according to the authors' definition, a surprising number did not maintain extensive or expected historical collections predating the year 2000: Indiana (2003), Maryland (2000), Missouri (2003), New Hampshire (mid 2000s), New Mexico (2004), and Washington (2003).

States reporting no historical collections were Florida (2013), Illinois (keeps two most recent agreements), and Nevada (current). Four states with nonresponsive agencies appeared to maintain only recent/current collections: Connecticut (current agreements), Pennsylvania (2007), Rhode Island (2008), and Vermont (2007).

Perceived mandate for collection

Prompted by the authors' experience with legal conditions in New York, where all public employers are required to submit copies of CBAs to the Public Employment Relations Board within fifteen days of signing (N.Y. Comp. Codes R. & Regs. tit. 4, § 214.1) this study also attempted to address the question of whether or not state agencies were required by law to maintain collections of CBAs.

This is by its very nature a broad question: collection might be purely voluntary or a responsibility imposed upon the agency. Alternately, submission may be mandated for the negotiating parties themselves as an aspect of the collective bargaining process. While it would be theoretically possible to bypass correspondence entirely and rely exclusively on case law, in reality this proved impractical. Unlike the question of whether collective bargaining was provided for under state law, no guiding documents were discovered that spoke to the question of mandated collection. Thus, addressing it as a matter of extant law was an undertaking beyond the scope of this inquiry.

Instead, this matter was addressed by the following question in the second round of correspondence: *Is [collection] required or voluntary?* This shifted the scope away from whether

agencies were in fact mandated by law to collect CBAs (or whether parties were required to submit CBAs to these agencies), and focused instead on whether the agencies considered themselves to be acting under such a mandate. While this method entailed an important caveat -- as noted earlier, agency representatives do not always correctly understand the legal situation in their state -- it moved the question back within the scope of the study, and tied it directly to the practices of the agencies being contacted.

Within this context, twelve states contained at least one agency operating under the belief that they were mandated by law to collect public sector collective bargaining agreements: Alaska, Hawaii, Illinois, Indiana, Iowa, Massachusetts, Nevada, New Hampshire, New Jersey, New Mexico, New York, and Ohio. Eleven of these states did abide by their perceived mandate; only Massachusetts did not, citing the lack of compliance by parties required to file the CBAs. This was also an issue specifically called out by the representatives from Hawaii, though they do maintain a collection.

For thirty-three other states, correspondence indicated that no agency within that state perceived a legal mandate to collect public sector collective bargaining agreements. (The remaining five states either did not respond to correspondence at all, or gave no indication within their correspondence with regards to a perceived mandate.) Of those thirty-three states, only twelve contained any agency that maintains a collection of public sector CBAs.

When those findings are placed into a contingency table and subjected to the Fisher's exact test, the results can be seen in Figure 3:

Figure 3: Collections and Perceived Mandate

		CBA Collections		Total
		Yes	No	
Perceived Mandate	Yes	11	1	12
	No	12	21	33
Total		23	22	45

Assuming the stability of the number of states reporting a perceived mandate, the number of states where collections have been found, and the number of states reporting, the null hypothesis of no association between perceived mandates and collections was rejected at the 0.01 significance level. Therefore, there is strong evidence that perceived mandates and collections are associated.

Conclusion

The primary goal of this study was to describe and evaluate the state of state-level public sector collective bargaining agreements collections in the United States. The choice to focus entirely on state agencies was made because the state -- both in the sense of a specific constitutional component of the United States of America *and* in the general sense as the apparatus of government interest -- has a direct stake in the working conditions of public sector workers. While other entities such as libraries (which frequently operate on state funds) can and do involve themselves with the collection of public documents, this study was undertaken with the view that it is state agencies to whom the default responsibility in these matters falls.

Involvement of state agencies is far from universal. As noted above, only twenty-seven states had at least one state agency collecting public sector CBAs. Even excluding those states that prohibit public sector bargaining entirely or did not respond to the authors' inquiries, there are still eighteen states where

collective bargaining is provided for at least some public sector workers, but in which no state agency was confirmed to be collecting agreements. For more than a third of the states of the union, there is a vacuum where the accessible record of public sector collective bargaining should be.

County and municipal employee contracts are woefully unrepresented in public sector CBA collections: two thirds of the state agencies collecting only do so for state employees, leaving alarming gaps for agreements covering county, municipal, or district employees. These gaps do not indicate the scope of bargaining authorization by any means, and instead reflect customs, regulations, and collection and retention practices entirely separate from actual collective bargaining relationships within the state. Researchers seeking comprehensive collections that represent collective bargaining conditions and outcomes in all levels of government, even in states with some type of collection, must follow disjointed and inefficient processes for locating contracts; processes that are often obscured in discussions of methodology by researchers.

Historical collective bargaining agreements are haphazardly retained for public access. As with collections reflecting a full scope of employee types, collection depth appears consistently detached from the historical arc of public sector collective bargaining within the United States. Some of the states with recent collections but without pre-2000 CBAs have rich and contentious histories of public sector collective bargaining that is not reflected in the publicly-maintained contract collections; specifically Illinois, Nevada, Pennsylvania, Rhode Island, and Washington State. The total lack of collections activity in Massachusetts and Kentucky obscures decades of concerted activity and negotiations between public sector workers and government employers in those two states, which are also hotbeds of private sector conflict. An environment of state agency inaction requires researchers to perform elaborate requests in order to obtain agreements that ultimately govern the parameters and execution of public functions over time; the non-academic public is arguably less likely to engage this process in order to evaluate or confirm any resultant claims underlying public policy discussions about public workers or collective bargaining rights.

The findings regarding perceived legal mandates also have clear public policy implications. As described earlier, the survey results on this question indicate a significant relationship between the perception of a legal mandate for the collection of public sector CBAs and the existence of collections by agencies in a given state. Indeed, the only state where there was a perceived mandate but no collection was Massachusetts, and the representative of the Commonwealth Employment Relations made it clear that this was due to non-compliance on the part of the agreements' signatories. Further study of this question in the form of a comprehensive survey of state laws surrounding mandatory collection is also warranted.

Labor relations stakeholders dedicated to expanding the practice of public sector CBA collection should work for the passage of laws that mandate state agency collections. While the results here involve only *perceived* mandates, their significance could be confirmed through deeper legal research. These results, in conjunction with the correspondence indicating that representatives of state agencies didn't always fully understand the legal situation in their state, emphasize the importance of proper communication and education regarding obligations and access rights for all state agencies.

Further analysis of study data will probe preservation and access of state agency collections, in order to inform a best practices model to advance in policy discourse. Additional research on county and local government collection practices is essential in order to facilitate deeper analysis of conditions within given states, and reveal the full scope of public documentation of public sector collective bargaining.

We share these findings with the intent of revealing collection gaps and opportunities for labor movement stakeholders in public history and information access. As practitioners, the authors find that researchers are often surprised to learn that there is no standard operating environment for collecting or researching public sector collective bargaining agreements on the state level. The legal terrain is complex; collection practices, depth, and breadth vary; and accessibility is spotty. Researchers must revise expectations downward and be prepared to encounter roadblocks. The authors hope that this article assists researchers and scholars in accurately estimating the duration and depth of inquiries in the research

process, and sparks conversation between labor relations stakeholders concerned about the state of information access in the public sector.

References

- American Federation of State, County, and Municipal Employees. 2014. "Labor Links - AFSCME Contracts Online." *AFSCMEStaff.org - Labor Links - AFSCME Contracts Online*. Accessed July 27, 2016. <http://www.afscmestaff.org/LaborLinks/11-cb-afscmecontracts.htm>.
- . 2016. "Public Sector Collective Bargaining Laws." *AFSCME / Public Sector Collective Bargaining Laws*. Accessed July 27, 2016. <http://www.afscme.org/news/publications/for-leaders/public-sector-collective-bargaining-laws>.
- Bernstein, Jared, Elizabeth McNichol, and Karen Lyons. 2006. "Pulling Apart: A State-by-State Analysis of Income Trends." Center on Budget and Policy Priorities. Accessed February 2, 2016. <http://www.cbpp.org/archiveSite/1-26-06sfp.pdf>.
- Bissett, Jan, and Margi Heinen. 2001. "Finding U.S. Collective Bargaining Agreements." *Reference From Coast to Coast: Sources and Strategies*. Accessed December 8, 2016. <http://www.llrx.com/2001/04/reference-from-coast-to-coast-finding-u-s-collective-bargaining-agreements/>.
- California Department of Human Resources. 2016. "Bargaining/Contracts." *Bargaining/Contracts - CalHR*. Accessed May 26, 2016. <http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx>.
- Carter, David L., and Allen D. Sapp. 1993. "A Comparative Analysis of Clauses in Police Collective Bargaining Agreements as Indicators of Change in Labor Relations." *American Journal of Police* 12 (2): 17-46.
- Chung, Il Hwan, William Duncombe, Lisa Melamed, and John Yinger. 2008. "Documenting Variation in Teacher Contract Provisions across New York School Districts." In *Syracuse, NY: Education Finance Research Consortium, Syracuse University*. Accessed February 29, 2016. http://cpr.maxwell.syr.edu/efap/Papers_reports/documenting_variation.pdf.
- Cohen-Vogel, Lora, and La'Tara Osborne-Lampkin. 2007. "Allocating Quality: Collective Bargaining Agreements and Administrative Discretion over Teacher Assignment." *Educational Administration Quarterly* 43 (4): 433-461.
- Cowen, Joshua M., and Jacob Fowles. 2013. "Same Contract, Different Day? An Analysis of Teacher Bargaining Agreements in Louisville since 1979." *Teachers College Record* 115 (5): 1-30.
- Cowen, Joshua M., and Katharine O. Strunk. 2015. "The Impact of Teachers' Unions on Educational Outcomes: What We Know and What We Need to Learn." *Economics of Education Review* 48 (October): 208-23.

- Eberts, Randall W. 1983. "How Unions Affect Management Decisions: Evidence from Public Schools." *Journal of Labor Research* 4 (3): 239–247.
- Freeman, Richard Barry, and Eunice S. Han. 2013. "Public Sector Unionism without Collective Bargaining." Presented at the American Economic Association Annual Meeting, San Diego, California, January 6. Accessed February 26, 2016. <https://dash.harvard.edu/handle/1/12553710>.
- Gerhart, Paul F. 1976. "Determinants of Bargaining Outcomes in Local Government Labor Negotiations." *Industrial and Labor Relations Review* 29 (3): 331–51.
- Glassmeyer, Sarah. 2016. "State Legal Information Census: An Analysis of Primary State Legal Information." Accessed February 26. <http://www.sarahglassmeyer.com/StateLegalInformation/wp-content/uploads/2014/04/GlassmeyerStateLegalInformationCensusReport.pdf>
- Goldhaber, Dan, Lesley Lavery, Roddy Theobald, Dylan D'Entremont, and Yangru Fang. 2013. "Teacher Collective Bargaining." *SAGE Open* 3 (2). Accessed August 10, 2016. doi:10.1177/2158244013489694.
- Indiana Education Employment Relations Board. 2015. "Collective Bargaining Data." *IEERB: Collective Bargaining Data*. Accessed April 14, 2015. <http://www.in.gov/ieerb/2407.htm>.
- Ingle, William Kyle, Chris Willis, and James Fritz. 2015. "Collective Bargaining Agreement Provisions in the Wake of Ohio Teacher Evaluation System Legislation." *Educational Policy* 29 (1): 18–50.
- Kochan, Thomas A., and Hoyt N. Wheeler. 1975. "Municipal Collective Bargaining: A Model and Analysis of Bargaining Outcomes." *Industrial and Labor Relations Review* 29(1): 46–66.
- Moe, Terry M. 2009. "Collective Bargaining and the Performance of the Public Schools." *American Journal of Political Science* 53 (1): 156–74.
- Montana University System. 2015. "Collective Bargaining Agreements." *Montana University System / Office of Commissioner of Higher Education*. Accessed March 10, 2015. <http://mus.edu/hr/cba/collbarg.asp>.
- National Conference of State Legislatures. 2016. "Collective Bargaining and Labor Union Legislation Database." *Union Legislation and Collective Bargaining Law, Legislation*. Accessed July 1, 2016. <http://www.ncsl.org/research/labor-and-employment/collective-bargaining-legislation-database.aspx>.
- National Partnership for Women and Families. 2012. "Expecting Better: A State-by-State Analysis Of Laws That Help New Parents." National Partnership for Women & Families. Accessed February 26, 2016. <http://www.nationalpartnership.org/research-library/work-family/expecting-better.pdf>.
- Nebraska State College System. 2015. "Negotiated Employment Agreements." *Negotiated Employment Agreements | Nebraska State College System*. Accessed March 11, 2015. <http://www.nscs.edu/negotiated-agreements.htm>.
- Pennsylvania's State System of Higher Education. 2015. "System Human Resources." *System-Wide Human Resources Information*. Accessed March 18, 2015. <http://www.passhe.edu/inside/hr/syshr/Pages/home.aspx>.
- Ryu, Kirak. 2010. "State Policies and Gender Earnings Inequality: A Multilevel Analysis of 50 U.S. States Based on U.S. Census 2000 Data." *Sociological Quarterly* 51 (2): 226–54.

- Saltzman, Gregory M. 1988. "Public Sector Bargaining Laws Really Matter: Evidence from Ohio and Illinois." In *When Public Sector Workers Unionize*, by Richard B. Freeman and Casey Ichniowski, 41–80. Chicago: University of Chicago Press. Accessed August 10, 2016. <http://www.nber.org/chapters/c7903.pdf>.
- Sanes, Milla, and John Schmitt. 2014. "Regulation of Public Sector Collective Bargaining in the States." Center for Economic and Policy Research. Accessed February 26, 2016. <http://cepr.net/documents/state-public-cb-2014-03.pdf>.
- State of Michigan. 1947. *Public Employment Relations Act*. Accessed February 10, 2015. [http://www.legislature.mi.gov/\(S\(t0ouhq45c3yx3vo4w434221\)\)/mileg.aspx?page=getObject&objectName=mcl-423-215](http://www.legislature.mi.gov/(S(t0ouhq45c3yx3vo4w434221))/mileg.aspx?page=getObject&objectName=mcl-423-215).
- State of Michigan, and Office of the State Employer. 2015. "Current Collective Bargaining Agreements." *OSE - Current Collective Bargaining Agreements*. Accessed April 14, 2015. <http://www.michigan.gov/ose/0,4656,7-143-67281---,00.html>.
- State of New York. n.d. *Filing of Contracts by Public Employers. N.Y. Comp. Codes R. & Regs. Vol. 4*. Accessed August 11, 2016. <http://perb.ny.gov/PERBRules.asp#ref>.
- State of Rhode Island Division of Human Resources. 2015. "Labor Relations Center." *State of Rhode Island Division of Human Resources: List of Job Specifications*. Accessed March 6, 2015. <http://www.hr.ri.gov/labor/>.
- Strunk, K. O. 2011. "Are Teachers' Unions Really to Blame? Collective Bargaining Agreements and Their Relationships with District Resource Allocation and Student Performance in California." *Education Finance and Policy* 6 (3): 354–98.
- Strunk, K. O., and J. A. Grissom. 2010. "Do Strong Unions Shape District Policies? Collective Bargaining, Teacher Contract Restrictiveness, and the Political Power of Teachers' Unions." *Educational Evaluation and Policy Analysis* 32 (3): 389–406.
- Strunk, Katharine O. 2012. "Policy Poison or Promise: Exploring the Dual Nature of California School District Collective Bargaining Agreements." *Educational Administration Quarterly* 48 (3): 506–47.
- Strunk, Katharine O., and Andrew McEachin. 2011. "Accountability Under Constraint: The Relationship Between Collective Bargaining Agreements and California Schools' and Districts' Performance Under No Child Left Behind." *American Educational Research Journal* 48 (4): 871.
- University of Maine System. 2015. "Labor Relations." *Labor Relations - University of Maine System*. Accessed March 5, 2015. <http://www.maine.edu/about-the-system/system-office/human-resources/labor-relations/>.
- William C. Gast Business Library. 2015. "Michigan Public Sector Collective Bargaining Agreements." *Collective Bargaining Agreements | Business Library | MSU Libraries*. Accessed April 14, 2015. <https://www.lib.msu.edu/branches/bus/contracts/>.

i A Wisconsin agency representative indicated that their collection included contracts from the early era of collective bargaining in the state, but did not provide a specific year. Wisconsin passed the Public Employee Collective Bargaining Act in 1959.