



Federal interference a bad collective bargain

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Even Texas' prisons may not be secure enough to withstand the latest intrusion from Washington D.C. On July 1, the U.S. House of Representatives passed a provision that would force state and local governments to collectively bargain with prison guards and other public safety employees. This mandate, which is now before the Senate, threatens to reverse the impressive progress that Texas has made over the last few years in both reducing crime and reversing the growth in its prison population that had been punishing taxpayers.

Texas and several other states prohibit collective bargaining with state public safety employees, but the congressional amendment would eviscerate these prohibitions. With collective bargaining, the state is required to negotiate with a union legally anointed to represent all employees — even those who have chosen not to join. Under the amendment, if Texas rejects the mandate, the Federal Labor Relations Authority would be empowered to implement collective bargaining. The amendment promises spending increases, reduces the accountability of politicians to constituents, and disregards 10th Amendment concerns.

In a particularly disingenuous move, the House attached the amendment to HR 4899, which funds our troops in Afghanistan and Iraq.

In Texas, landmark reforms have stemmed the growth in the corrections budget, which tripled from 1990 to 2005. Since 2005, lawmakers have bolstered community supervision programs, making them more viable alternatives for non-violent offenders where, instead of living behind bars on the public dime, they must hold a job, pay restitution and attend treatment.

By strengthening community supervision, Texas avoided spending the \$2 billion to build and operate 17,000 new prison beds that were projected to be necessary by 2012. Since diverting a small share of the resources that would have gone for new prisons to improving probation, Texas has realized a greater than 9 percent decline in its crime rate.

If collective bargaining is imposed, the cost of operating Texas prisons could rise from the current \$18,000 per inmate per year to nearer the \$46,000 cost in California, which mandates collective bargaining.

California prison guards make as much as \$100,000 per year and, on average, twice that of Texans. Such inflated salaries could leave less money in the Texas corrections budget for effectively supervising and treating offenders in the community so they do not commit new crimes and land back in prison.

The collective bargaining power could even foment entrenched resistance to reforms. In California, the prison guard union supports harsher sentences and more prison construction, as a large prison population ensures more jobs.

The independence that elected officials owe taxpayers is compromised by collective bargaining, because it artificially inflates the influence of unions, which are among the largest campaign donors and givers in California and other states.

The amendment is also unnecessary, as Texas continues working in a less adversarial manner with its prison guards' union. In 2009, lawmakers approved a 7 percent pay raise sought by the union, which also recently achieved a grievance and mediation process and prompt payment of overtime.

Perhaps most ominously, Congress' push for collective bargaining disregards the Tenth Amendment of the U.S. Constitution, which had led Texas Attorney General Greg Abbott to warn the Senate that Texas may litigate if this measure becomes law. Texas negotiates with its own public safety employees, and these negotiations do not involve other states. Thus, they are beyond the federal government's power to regulate interstate commerce.

Ultimately, this mandate would increase pressure on already-strained state budgets, divert resources from community-based efforts to break the cycle of crime, reduce political accountability, and elevate constitutional concerns. Texas should prepare for a constitutional fight if the Senate does not strip this latest DC-knows-best mandate.

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