

# Majority Authorizations and Union Organizing in the Public Sector: A Four-State Perspective

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In cooperation with the United Association for Labor Education

## Introduction

In the spring of 2009, labor relations faculty affiliated with four major university-based labor education programs collaborated on a study of their respective state laws mandating a majority authorization process for organizing employees in the public sector. The project was inspired by the national debate surrounding the proposed federal Employee Free Choice Act. Conventional reporting and discussion of the legislation has ignored the historical record of private and public sector workers organizing into unions without a government supervised election. According to Professor Raja Raghunath, “card check was a relatively common method of organizing workplaces until it was supplanted by National Labor Relations Board-run elections” in 1947.<sup>1</sup>

Contemporary corporate allegations that the national law will allow employees to be coerced into signing “cards” or “petitions” motivated the programs to conduct an objective assessment of how each respective state’s public sector law is working.<sup>2</sup> National focus on “card-check” authorization was stimulated by the NLRB’s controversial Dana/Metaldyne decision in 2007.<sup>3</sup> But importantly, as Professor Raghunath points out, “No formal allegations of improper conduct by union organizers or employee adherents were ever made in either the Dana Corp. or Metaldyne situations...[and] the issue of coercive or fraudulent conduct in the acquisition of cards at Dana and Metaldyne was never in the record before the Board.”<sup>4</sup>

Understanding the importance of providing objective data to the national policy discussion about union conduct during card-check campaigns, the four university labor programs studied the following four states: New York, New Jersey, Illinois, and Oregon.<sup>5</sup> Results of the study unambiguously revealed that the majority sign-up provision was used extensively without hint of union or employer abuse.

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<sup>1</sup>. Raja Raghunath, “Stacking The Deck: Privileging ‘Employer Free Choice’ Over Industrial Democracy In The Card Check Debate,” *The Nebraska Law Review*, 87 (2008): 331.

<sup>2</sup>. This study focused exclusively on complaints of union misconduct and not incidences of procedural matters.

<sup>3</sup>. *Dana II* 351 N.L.R.B. No. 28 (2007), 2007 WL 2891099.

<sup>4</sup>. Raghunath, “Stacking The Deck,” *The Nebraska Law Review*, 342.

<sup>5</sup>. An addendum to the study to be released later will include data from California.

Faculty at Cornell University's Industrial Labor Relations Extension program, the University of Oregon's Labor Education and Research Center, Rutgers University Labor Education Center, and the School of Labor and Employment Relations at the University of Illinois contributed to the study.

In brief, from 2003-2009 in the states studied, a total of 34,148 public sector workers employed in state, county, municipal and educational institutions voluntarily joined a union. Most importantly, contrary to business claims, in 1,073 cases of *union certification* and in at least 1,359 *majority-authorization campaigns*, there was not a single confirmed incident of union misconduct.<sup>6</sup>

In the public debate about the Employee Free Choice Act, it has been widely overlooked that several states have passed laws to permit public sector workers in municipal, county, state and educational institutions to organize a union through a majority sign-up certification process.<sup>7</sup> This report is the first multi-state study that analyzes what has happened in four states with a majority sign-up provision.

## **Background**

In the states surveyed here, laws mandating authorization petitions or “card check” for public sector workers took effect in the following years: New York (1967)<sup>8</sup>, Illinois (2003), New Jersey (2005), and Oregon (2007).

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6 . Certification cases refer to the actual card-check campaigns that resulted in a certified union. Authorization campaigns include cases of card-check-certified bargaining units, as well as all unionization efforts that began as majority sign-ups but did not conclude, at the time of this report, in certified unions. Data on authorization petitions was available from Illinois, New York, and Oregon. In Illinois, for instance, there were 1,086 “majority interest petitions” filed and no cases of union coercion or fraud, while Oregon had seven total petitions with no union misconduct reported.

7 . Those states which provide either comprehensive or limited majority sign-up coverage for public sector workers are: New York, Illinois New Jersey, Oregon, California, New Hampshire, Massachusetts, Montana, Oklahoma, Kansas, North Dakota, New Mexico, Nevada, Wisconsin, Iowa, Michigan, Minnesota, Washington, and Ohio.

8 . New York's majority provision was included in the original Taylor Law governing public sector employers and employees.

In each state, the public sector collective bargaining statutes are administered by an administrative and adjudicative board or agency, which has jurisdiction over employers and employees in the public sector, including education. The acts further provide for the respective boards to promulgate rules for establishing the authenticity of signatures on the cards and for procedures for issuing notice to affected employees.<sup>9</sup>

In New York, the majority of public sector workers have the right to organize under the Public Employees' Fair Employment Act of 1967. This statute, better known as the Taylor Law, covered state employees, as well as employees of counties, municipalities, school districts, villages and public authorities. In the same year, the Taylor Law mandated the creation of an independent agency to administrate the statute, the Public Employment Relations Board (PERB). As part of the original Taylor Law, the New York Public Employment Relations Board rules implementing the statute stated that “the employee organization involved will be certified without an election if a majority of the employees within the unit have indicated their choice by the execution of dues deduction authorization cards which are current, or by individual designation cards which have been executed within six months prior to the date of the director’s decision recommending certification without an election.”<sup>10</sup>

In 2003, Illinois adopted a process that provides for the union to file a “majority interest petition,” accompanied by its evidence of majority status in order to designate a “representative without an election.” The showing of interest in support of a majority interest petition may consist of “authorization cards, petitions, or any other evidence that demonstrates that a majority of the employees wish to be represented by the union for the purposes of collective bargaining.”<sup>11</sup> Professor Raghunath noted that the “evidentiary burden for showing employee support through card check” was first addressed by the Appellate Court of Illinois for the Second District in *County of DuPage v. Illinois Labor*

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<sup>9</sup> . The synopsis of each law was provided by Chicago Kent College of Law Professor, Martin Matlin ([www.kentlaw.edu/faculty/mmalin/classes](http://www.kentlaw.edu/faculty/mmalin/classes))

<sup>10</sup> . New York Public Employees Relation Board, Rules § 201.9(g).

<sup>11</sup> . According to *Title 80: Public Officials and Employees; Subtitled C: Labor Relations; Chapter IV: Illinois Labor Relations Board; Section 1210.80, “Showing of Interest.”*

*Relations Board*.<sup>12</sup> In 2008, the Illinois Supreme Court issued an opinion in *County of DuPage* that clarified the intent of the Illinois card-check law.<sup>13</sup>

The amendments to the New Jersey Employer-Employee Relations Act allowing the Public Employment Relations Commission (PERC), the agency which enforces the law, to recognize unions based on a majority of a unit signing recognition cards took effect in mid-2005. New Jersey PERC regulations allow a union to seek certification based on authorization cards signed by a majority of employees.<sup>14</sup>

Oregon's non-electoral authorization law was passed in 2007. It declares that when a union representation petition claims majority support, the Oregon Employment Relations Board shall investigate the petition and, if it finds that a majority of employees in an appropriate bargaining unit have signed authorization cards and that no other labor organization represents any employees in the unit, shall certify the petitioning labor organization as exclusive bargaining representative. The ERB, like boards in the other states, identifies what information should be included on the authorization cards, which includes the employee's name and signature; a statement that the employee designates the named labor organization as the representative for purposes of collective bargaining with the employer; and a statement that the employee understands that his/her signature on the card may be used to obtain certification of the labor organization without an election.

In all of the states, authorization cards must be signed and dated within an established time frame (e.g., in Oregon it's 90 days from when the petition for union certification is filed with the ERB) and once the petition has been filed, the employer has an agreed-upon period (e.g., in Oregon it's seven days) to submit to the board a list of employees in the proposed bargaining unit. The board then informs employees in the proposed bargaining unit (through a posting at the worksite) of the petition for certification and presents the employees' names to the petitioning union, at which time they may challenge the inclusion or exclusion of any employees in the proposed bargaining unit. If any objections are made, the board may conduct a hearing. State laws also allow for

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<sup>12</sup> . Raghunath, "Stacking The Deck," *The Nebraska Law Review*, 350.

<sup>13</sup> . Docket No. 105395. *The County of Du Page et al., Appellees, v. The Illinois Labor Relations Board et al.* Opinion filed December 18, 2008.

<sup>14</sup> . New Jersey Administrative Code 19:11-1.2(a)(10).

employees to request an election if at least a threshold number (e.g., in Oregon it's 30 percent) of employees request one, either before or after the card-check petition has been filed with the board. If no objections and no requests for elections are made, the board may then certify the labor organization as the exclusive representative of the employees without an election.

The respective board/agency regulations also hold in common that a majority-interest petition may be defeated by providing evidence of union misconduct. Union organizers, for example, in New York are required to submit signed affidavits that they have collected employee signatures in accordance with the state board regulations. In Illinois, a petition can be dismissed with "clear and convincing evidence" that the showing of majority interest was procured by "fraud or coercion." In cases where a definitive finding of misconduct is found, board/agency remedies can include ordering a representation election or outright dismissal of the union's petition. In addition, in some states the board can order an election if more than one union presents petitions to represent workers.

### **Study Methodology**

Case data on all authorization cards or petitions was collected from 2003 through April of 2009 from the respective state labor relations boards. In two states, there were at least two state boards to research. In Illinois, for example, case data was attained from the State Labor Relations Board (ILRB) through a Freedom of Information request and follow-up interviews with a number of board agents. The ILRB data included "majority interest petitions" (MIP) on municipal (cities under and over 1 million residents), county and state employers. The study's author and a research assistant gathered information on all MIP cases in the educational sector by reading through all the case files archived at the state's Education Labor Relations Board (IELRB).

Along with Illinois, New York had a second statewide adjudicative body. In 2007, the governor issued an executive order that granted state-paid child care providers the opportunity to organize for the purpose of bargaining with the New York State Office of Children and Family Services. The order also charged the State Employment Relations Board (SERB), created in 1991, with reviewing the showings of interest, conducting

elections, and mediating disputes.<sup>15</sup> SERB was created to handle employment issues, mostly private sector, not dealt with by either PERB or the National relations Board

The study aggregated board data on the following variables: 1) year of certifications, 2) the name of the petitioning union, 3) the name of the employer, 4) the size of the bargaining unit, 5) the occupation of the employees, 6) the results of the petition, 7) complaints against the union for misconduct/coercion/fraud, and 8) confirmed incidents of union misconduct/coercion/fraud.<sup>16</sup>

## Findings

From 2003-2009, a total of 34,148 public sector workers have organized under the guidelines of the states' majority-authorization process and 1,073 "orders of certification" (i.e., bargaining units formed) were issued (see Table 1).<sup>17</sup> Along with the data on card check or union petitions, workers also organized, where possible, through "voluntary recognition petitions (VRP)." A VRP is also a majority sign-up provision whereby the employer voluntarily agrees to recognize the majority status of the union. While this study focused exclusively on the use of majority-authorization petitions, VR is a broadly used non-electoral process that also reflects employee will.<sup>18</sup>

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<sup>15</sup> . The New York reported cases are derived from the files at PERB, and do not include any SERB data. Under the executive order, 48,000 home-based workers organized with a 30 percent showing of interest.

<sup>16</sup> . For example, in Illinois information on all of the variables from both the ILRB and the IELRB was available by consulting the filed "Majority Interest Petition" and the issued "Order of Certification."

<sup>17</sup> . In the case of Illinois the ratio of ordered certifications to petitions filed represents a 73.5 percent non-electoral certification rate. Comparisons to the other states were not possible.

<sup>18</sup> . Collecting data on voluntary cases varied in complexity. Voluntary data from Illinois and New Jersey was available through the state boards, and no VR cases were certified from Oregon. But in New York many voluntary recognition efforts are successfully concluded without a role for PERB or SERB. Information about voluntary recognition in the State of New York, where the employer does not deny or ignore the request and no certification application is filed, is not available through PERB and is only available through the unions. There were 77 VRPs and 2,629 employees covered in Illinois. In New York, approximately 952 employees were unionized in at least 38 voluntary recognitions. However, unlike Illinois, because the state board does not require that voluntary recognitions be

Data on cases in each state were broken down into educational (i.e., K-12, including community and higher education) and non-educational (i.e., state, county, municipals, town, village) jurisdictions (see tables 2, 3, 4 and 5). In Illinois, for example, non-educational cases made up nearly three-quarters of the total bargaining units certified (71.9 percent) and 56.6 percent of all the employees represented. Educational employers were approximately one-quarter (24.4 percent) of all the New Jersey public bodies who were organized through card check, while 61.4 percent of New York employers were from non-educational local, county or state agencies. However, the educational sector in New York accounted for 60.4 percent of employees certified through a majority authorization petition.

Recognitions have taken place in a wide variety of occupational groups ranging from professionals to blue-collar employees working for a wide array of public entities. Virtually every major union in the United States has conducted a majority sign-up campaign. The largest numbers were undertaken by the following major unions and their affiliates: the Communications Workers of America, the American Federation of State, County and Municipal Employees, the National Education Association, the International Brotherhood of Teamsters, the Service Employees International Union, United Public Service Employees, Civil Service Association Local 1000-AFSCME, and the American Federation of Teachers. Other unions with multiple recognitions include the International Union of Operating Engineers, the Laborers International Union of North America, the United Food and Commercial Workers, the Utility Workers Union, and the Office and Professional Employees International Union.

The types of occupations unionized thorough authorization cards and petitions included a wide range of job categories. Employees who worked as day care assistants, parking enforcement officers, accountants, auditors, transporters, cooks, nuclear safety policy analysts, graphic arts designers, insurance claims examiners, state mine inspectors, pipeline safety analysts and even animal caretakers joined a union by affixing their signatures to certification petitions. Organized employees in the health care fields included registered nurses (including school nurses and non-certified nurses), medical

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filed, estimates of New York public sector workers unionized by employer recognition is significantly understated.

assistants, psychologists, social workers, therapists (including physical, occupational and music), vision and hearing technicians, radiographers, phlebotomists, speech language pathologists, dental hygienists and counselors.

In addition to certified K-12 teachers, educational employees included school principals, lunch monitors, teacher aides, home school liaisons, program specialists, program coordinators, ESL instructors, horticulture instructors, computer technicians, laboratory technicians, librarians, interpreters, telecommunications specialists, and paraprofessionals. There are also switchboard operators, clerk typists, secretaries, accounting clerks, and storekeepers who became union members by indicating their interest. Workers who signed petitions also included commercial drivers, custodians, engineers, aircraft technicians, project managers, motor equipment operators, mechanics, truck drivers, carpenters, plumbers, landscapers, bus drivers, correction officers, security guards, firefighters and police officers, sergeants, lieutenants and captains.

The breadth and depth of the job occupations certified through majority worker authorizations reflects that the law in each state has proven to be a reliable mechanism to bring workplace democracy to workers across the country. In each of the states, the majority authorization process was efficient, with very few problems noted by the parties. Interviews with eight employers in Oregon organized through a majority showing revealed that seven described their experience as mostly “positive” or “neutral.” The process also proved to be timely. In Oregon, for those cases that were certified through majority sign-up, it took on average less than a month (29 days) from the time the employee signatures were submitted to the date of certification. A sample of much larger bargaining unit cases in Illinois took approximately an average of 120 days to go from petition filing to certification.

While the extensive use of majority petitions and their representativeness of the nation’s workforce are impressive, the most dramatic outcome of administration of the provisions is the near total absence of any employee or union abuse. In over 1,300 petition cases, there are only five (5) allegations of union misconduct, coercion or fraud to compel or induce workers to sign authorizations and one (1) confirmed incident. Two complaints from New Jersey were actually for “ambiguous or misleading cards,” but neither was

upheld by the state agency. In Illinois, the ILRB found a single complaint (out of over 1,000 petition campaigns) to be meritless. The solitary nature of this alleged incident justifies reprinting at length the board's ruling on the matter:

“Certain employees filed written statements that [UNION X] used coercion in obtaining employee signatures for their showing of interest. However, the allegations of coercion consisted of hearsay statements that [UNION X] representatives came to employees' homes in an effort to obtain signatures on authorization cards. The mere fact that union representatives came to employees' homes in an effort to obtain signatures on authorization cards is not sufficient to establish that the union used coercion to obtain signatures... In the instant case, the mere fact that [UNION X] representatives called on employees at their homes is insufficient to establish even a *prima facie* case that [UNION X] sought to coerce employees into signing an authorization card or join [UNION X]. Therefore, I dismiss the allegations that [UNION X] used coercion in obtaining any employee signatures on authorization cards.”<sup>19</sup>

In New York state, no cases of union misconduct were found. Case dismissals occur sometimes in situations where the union fails to follow the correct procedure by submitting a petition without complete proof of a “showing of interest.” In these cases, the state board rules “that a petition for certification or decertification that is not accompanied by a showing of interest must be dismissed and a later, untimely, attempt to supply the missing showing of interest will not revise the petition.”<sup>20</sup>

In no state was a petition withdrawn or dismissed because of union misconduct, fraud, or coercion. In Illinois, for instance, over half of the petitions that were withdrawn were done so because the union was unable to show that it had the majority support of the employees. Petitions were mostly dismissed because the “union failed to show that it sought an appropriate bargaining unit.”<sup>21</sup> Additionally, a few petition cases were converted to representation elections because another union intervened and also

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<sup>19</sup> . Case No: 2005-RC-0008-S Order of Certification, November 18<sup>th</sup>, 2004-Filed MIP

<sup>20</sup> . Case C-5611, Town of Kortright, 9/20/2006

<sup>21</sup> . Language taken from “MIP Petitions Dismissed,” ILRB-File, FOIA.

petitioned to be the bargaining agent. Again, in no case was any union intimidation evident.

According to New York State PERB Executive Director Anthony Zumbolo, occasionally an employer will make a verbal complaint of union misconduct, but when board agents request proof to open a formal investigation, the complaint is not pursued.<sup>22</sup> Board officials in Illinois made similar representations.

## **Conclusion**

New York, New Jersey, Illinois, and Oregon have provided a mechanism for nearly 35,000 public sectors workers to express their interest in becoming union members. The process has worked without systematic or episodic employer or union abuse. While not identical, the states' majority sign-up provisions are similar to the proposed federal Employee Free Choice Act. As the debate over the national legislation continues, it is important for policymakers to have access to hard data detailing the impact of a majority sign-up provision. In the interest of constructing sound public policy, the states can make a valuable contribution to the pursuit of an informed judgment about labor law reform.

As is true in so many other policy areas, on the subject of union representation, the states are incubators for new ideas and practices. New York, New Jersey, Illinois, and Oregon have demonstrated that a majority-authorization petition can genuinely determine the will of the employees to be unionized and provides a functional, largely non-adversarial and eventless process for insuring a fair work environment for everyone.

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<sup>22</sup> . Phone conversation Sally Alvarez, Director of Labor Programs, Extension Division School of Industrial and Labor Relations (ILR) Cornell University had with PERB Executive Director Anthony Zumbolo on May 18, 2009, in New York City.

**Table. 1 Public Sector Card Check Table (Combined IL, NJ, NY and OR)**

State		2003	2004	2005	2006	2007	2008	2009	Total
<b>Illinois</b>	Number of Certifications	19	128	158	167	143	124	60	799
	Employees Certified	440	4,597	2,345	4,508	4,663	3,116	1,528	21,197
	Misconduct Complaints Filed	0	1	0	0	0	0	0	1
	Misconduct Complaints Confirmed	0	0	0	0	0	0	0	0
<b>New Jersey</b>	Number of Certifications	n/a	n/a	13	54	50	53	14	184
	Employees Certified	n/a	n/a	441	1,537	5,435	2,154	n/a	9,567
	Misconduct Complaints Filed	n/a	n/a	0	2	0	1	0	3
	Misconduct Complaints Confirmed	n/a	n/a	0	0	0	0	0	0
<b>New York</b>	Number of Certifications	n/a	n/a	15	14	20	24	10	83
	Employees Certified	n/a	n/a	366	142	786	990	1035	3,319
	Misconduct Complaints Filed	n/a	n/a	0	0	1	0	0	1
	Misconduct Complaints Confirmed	n/a	n/a	0	0	0	0	0	0
<b>Oregon</b>	Number of Certifications	n/a	n/a	n/a	n/a	1	5	1	7
	Employees Certified	n/a	n/a	n/a	n/a	8	40	17	65
	Misconduct Complaints Filed	n/a	n/a	n/a	n/a	0	0	0	0
	Misconduct Complaints Confirmed	n/a	n/a	n/a	n/a	0	0	0	0
<b>Total (IL, NJ, NY, OR)</b>	Number of Certifications	19	128	186	235	214	206	85	1,073
	Employees Certified	440	4,597	3,152	6,187	10,892	6,300	2,580	34,148
	Misconduct Complaints Filed	0	1	0	2	1	1	0	5
	Misconduct Complaints Confirmed	0	0	0	0	0	0	0	0

<b>Table 2. Illinois Public Sector Member Interest Petition Unionization</b>						
<b>Year</b>		<b>Total MIP Orders of Certification</b>	<b>Total MIP Petitions</b>	<b>Employees Certified</b>	<b>Number of complaints of union Misconduct</b>	<b>Number of confirmed cases of union Misconduct</b>
2003	Local	2	2	276	0	0
	State	17	18	164	0	0
	Education	n/a	n/a	0	0	0
	<b>2003 Subtotal*</b>	<b>19</b>	<b>20</b>	<b>440</b>	<b>0</b>	<b>0</b>
*includes 17 Voluntary Recognition Petitions (VRPs) and 425 employees certified through VRPs						
2004	Local	8	10	95	0	0
	State	104	137	2021	0	0
	Education	16	10	2481	1	0
	<b>2004 Subtotal*</b>	<b>128</b>	<b>157</b>	<b>4,597</b>	<b>1</b>	<b>0</b>
*includes 24 VRPs and 853 employees certified through VRPs						
2005	Local	1	1	65	0	0
	State	123	158	1079	0	0
	Education	34	39	1201	0	0
	<b>2005 Subtotal*</b>	<b>158</b>	<b>198</b>	<b>2,345</b>	<b>0</b>	<b>0</b>
*includes 10 VRPs and 861 employees certified through VRPs						
2006	Local	4	8	8	0	0
	State	124	161	2480	0	0
	Education	39	48	2020	0	0
	<b>2006 Subtotal*</b>	<b>167</b>	<b>217</b>	<b>4,508</b>	<b>0</b>	<b>0</b>
*includes 5 VRPs and 212 employees certified through VRPs						
2007	Local	21	29	200	0	0
	State	91	125	3517	0	0
	Education	31	38	946	0	0
	<b>2007 Subtotal*</b>	<b>143</b>	<b>192</b>	<b>4,663</b>	<b>0</b>	<b>0</b>
*includes 10 VRPs and 81 employees certified through VRPs						
2008	Local	8	9	471	0	0
	State	70	106	1500	0	0
	Education	46	54	1145	0	0
	<b>2008 Subtotal*</b>	<b>124</b>	<b>169</b>	<b>3,116</b>	<b>0</b>	<b>0</b>
*includes 5 VRPs and 53 employees certified through VRPs						
2009	Local	8	16	64	0	0
	State	46	86	1217	0	0
	Education	6	31	247	0	0
	<b>2009 Subtotal*</b>	<b>60</b>	<b>133</b>	<b>1,528</b>	<b>0</b>	<b>0</b>
*includes 6 VRPs and 417 employees certified through VRPs						
<b>Total</b>	Local	52	75	1179	0	0
	State	575	791	11978	0	0
	Education	172	220	8040	1	0
	<b>Grand Totals*</b>	<b>799</b>	<b>1,086</b>	<b>21,197</b>	<b>1</b>	<b>0</b>
Includes 77 VRPs and 2,629 employees certified through VRPs						

“Local” in Illinois refers to employees of the City of Chicago, while “State” includes all state and local municipality employees. This differs from New Jersey, New York and Oregon, where “Local” refers to all city, township or county employees, and “State” references employees of the state only.

<b>Table 3. New Jersey Public Sector Member Interest Petition Unionization</b>					
<b>Year</b>		<b>Total MIP Orders of Certification</b>	<b>Employees Certified</b>	<b>Number of complaints of union Misconduct</b>	<b>Number of confirmed cases of union Misconduct</b>
2005	Local	9	441	0	0
	State	0			
	Education	2			
	Other or Unknown	2			
	<b>2005 Subtotal</b>	<b>13</b>			
2006	Local	24	1,537	2*	0
	State	2			
	Education	17			
	Other or Unknown	11			
	<b>2006 Subtotal</b>	<b>54</b>			
*formal complaints of ambiguous or misleading cards					
2007	Local	23	5,435	0	0
	State	1			
	Education	10			
	Other or Unknown	16			
	<b>2007 Subtotal</b>	<b>50</b>			
2008	Local	35	2,154	1*	0
	State	1			
	Education	13			
	Other or Unknown	4			
	<b>2008 Subtotal</b>	<b>53</b>			
*formal complaints of union coercion or fraud					
2009	Local	7	n/a	0	0
	State	0			
	Education	3			
	Other or Unknown	4			
	<b>2009 Subtotal</b>	<b>14</b>			
<b>Total</b>	Local	98	<b>9,567</b>	<b>3</b>	<b>0</b>
	State	4			
	Education	45			
	Other or Unknown	37			
	<b>Grand Totals</b>	<b>184</b>			

<b>Table 4. New York Public Sector Member Interest Petition Unionization</b>					
<b>Year</b>		<b>Total MIP Orders of Certification</b>	<b>Employees Certified</b>	<b>Number of complaints of union Misconduct</b>	<b>Number of confirmed cases of union Misconduct</b>
2005	Local	10	133	0	0
	State	1	29	0	0
	Education	4	204	0	0
	<b>2005 Subtotal</b>	<b>15</b>	<b>366</b>	<b>0</b>	<b>0</b>
2006	Local	8	112	0	0
	State	1	1	0	0
	Education	5	29	0	0
	<b>2006 Subtotal</b>	<b>14</b>	<b>142</b>	<b>0</b>	<b>0</b>
2007	Local	12	169	1	0
	State	2	477	0	0
	Education	6	140	0	0
	<b>2007 Subtotal</b>	<b>20</b>	<b>786</b>	<b>1</b>	<b>0</b>
2008	Local	13	106	0	0
	State	1	215	0	0
	Education	10	669	0	0
	<b>2008 Subtotal</b>	<b>24</b>	<b>990</b>	<b>0</b>	<b>0</b>
2009	Local	3	68	0	0
	State	0	0	0	0
	Education	7	967	0	0
	<b>2009 Subtotal</b>	<b>10</b>	<b>1,035</b>	<b>0</b>	<b>0</b>
<b>Total</b>	Local	46	588	1	0
	State	5	722	0	0
	Education	32	2009	0	0
	<b>Grand Totals</b>	<b>83</b>	<b>3,319</b>	<b>1</b>	<b>0</b>

<b>Table 5. Oregon Public Sector Member Interest Petition Unionization</b>					
<b>Year</b>		<b>Total MIP Orders of Certification</b>	<b>Employees Certified</b>	<b>Number of complaints of union Misconduct</b>	<b>Number of confirmed cases of union Misconduct</b>
2007	Local	1	8	0	0
	State	0	0	0	0
	Education	0	0	0	0
	<b>2007 Subtotal</b>	<b>1</b>	<b>8</b>	<b>0</b>	<b>0</b>
2008	Local	4	15	0	0
	State	0	0	0	0
	Education	1	25	0	0
	<b>2008 Subtotal</b>	<b>5</b>	<b>40</b>	<b>0</b>	<b>0</b>
2009	Local	0	0	0	0
	State	0	0	0	0
	Education	1	17	0	0
	<b>2009 Subtotal</b>	<b>1</b>	<b>17</b>	<b>0</b>	<b>0</b>
<b>Total</b>	Local	5	23	0	0
	State	0	0	0	0
	Education	2	42	0	0
	<b>Grand Totals</b>	<b>7</b>	<b>65</b>	<b>0</b>	<b>0</b>