

State of the Unions:  
**EXAMINING UNION  
MEMBERSHIP  
IN STATE  
GOVERNMENT**



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## Key Findings

- Unions in 33 states represent state government employees, a segment of overall public sector employment, for purposes of collective bargaining. For this research, 27 of those states fulfilled public records requests for union membership statistics, and of these, 26 provided comprehensive statistics.
- **New York has the most state government employees represented by a union** (219,081) and the most state government employees paying union dues (174,149).
- Public records from the 27 states show **just 66.46 percent of unionized employees pay dues** to their respective unions.
- The comprehensive data for state government employees reveals an **average unionization rate of just 43.5 percent in these 26 states**, with a comparative 29.82 percent paying union dues.
- States with legal environments favorable to government unions have higher unionization, membership, and density rates. **States with worker-friendly legal environments tend to have lower union membership metrics.**

## INTRODUCTION

Overall union membership is declining. Data from the Current Population Survey (CPS), which the U.S. Census Bureau and the U.S. Bureau of Labor Statistics cosponsor, show about 24 percent of all workers were union members in 1973, but by 2022, only 10.1 percent of workers were union members.<sup>1</sup> Yet, union membership rates increased over the same period in the public sector. According to the same CPS data, unionization in the public sector increased from 23 percent in 1973 to 33.2 percent in 2022. Why is this?

Policies governing public sector collective bargaining are largely state-level, and many states grant special legal privileges to government unions. In several states, for example, government unions can use the taxpayer-funded government payroll system to collect membership dues and political action committee (PAC) contributions. This, combined with few existing state laws codifying the employee right to resign at will a union membership, has made it easier for government unions to keep money flowing and members from leaving. More fundamentally, unions can force government employers to the bargaining table to discuss certain terms, under threat of legal action from failure to do so to the union's satisfaction. Moreover, unions benefit from laws making it extremely difficult to decertify a government union once it is in place.<sup>2</sup>

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1 Barry T. Hirsch, David A. Macpherson, and William E. Even, "Union Membership, Coverage, and Earnings from the CPS," Unionstats.com, January 16, 2023, <https://www.unionstats.com/>.

2 Priya M. Brannick and Andrew Holman, "The Battle for Worker Freedom in the States: Grading State Public Sector Labor Laws (3rd Edition)," Commonwealth Foundation, September 22, 2022, <https://www.commonwealthfoundation.org/research/grading-state-public-sector-labor-laws/>.

## THE IMPORTANCE OF MEMBERSHIP

Membership is the primary resource for union influence. Members fund union administration, representation costs, and a portion of a union’s political activity through their membership dues. Beyond finances, members often offer added value in helping a union achieve contractual or political goals. With strategic communication, a union can organize its members to participate in a protest, contact legislators and other stakeholders, or even strike to influence contract negotiations.

Organizing membership to advance a union’s political objectives is arguably easier for government unions than for private sector unions. Collective bargaining gives government unions direct and exclusive access to the public policymaking process, power that can be an effective membership driver—especially when government unions insist their political interests align with workers’ employment interests. The “Politics Isn’t for Me” page on the Tennessee Education Association’s (TEA) website is an example of this strategy. The page states:

**“I vote, but I don’t want to contribute to a PAC for special interests.’**

**“The special interest of TEA and NEA [National Education Association] political action committee—the Fund for Children and Public Education—is you and your students. Through FCPE, members can work together to support issues that matter to us. While teachers can rarely afford \$1,000 political contributions, teachers together making \$10 and \$15 contributions can make a huge difference.”<sup>3</sup>**

Government unions have immense financial resources, a vast grassroots network, and the ability to pressure individual employees, resulting in significant political influence. With this influence, government unions advocate for far-left policies that reach far beyond the public sector workplace, including abortion, gun rights, and gender ideology. However, in 2018, in *Janus v. AFSCME, Council 31*, the Supreme Court declared government unions could not force union payments from public employees as a condition of employment, removing at least one tool unions had to keep money flowing and members from leaving.<sup>4</sup>

Before *Janus*, employees who did not wish to be part of the union had to pay a set portion of membership dues to remain employed, known as a fair share fee. Now, in the post-*Janus* workplace, government employees are free to decline union membership without a financial obligation and arguably have a First Amendment right to resign from the union at any time. Data shows that hundreds of thousands of employees exercise this right,<sup>5</sup> and several unions—most notably those representing state workers in Pennsylvania—have dropped all collectively bargained restrictions on membership resignations in response to frequent litigation.

<sup>3</sup> Tennessee Education Association, “Politics Isn’t for Me,” accessed October 9, 2023, <https://tnea.org/politics-isnt-for-me>.

<sup>4</sup> *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, No. 16-1466, 585 U.S. \_\_\_\_ (2018).

<sup>5</sup> Jarrett Skorup, “*Janus* Had a Large Impact on Union Membership, Five Years Later,” Mackinac Center, November 20, 2023, <https://www.mackinac.org/blog/2023/Janus-had-a-large-impact-on-union-membership-five-years-later>.

## DEFINITIONS

**Union membership rate** refers to the number of dues-paying union members compared to the number of represented employees. If every employee in a bargaining unit pays dues to their representative union, the union membership rate is 100 percent. This number may reflect the degree to which the union successfully recruits members among those it already represents.

**Unionization rate** refers to the number of represented employees—including members and nonmembers—compared to the total number of state employees. The total number of state employees includes those who remain nonunionized for various legal or practical reasons. This number may reflect the degree to which the union has been able to “organize” (i.e., become the exclusive representative for) groups of employees potentially eligible for unionization but not currently represented by a union. It may also reflect the extent to which the state has limited the number of state employees who can unionize by designating them as management, confidential, security-related, or otherwise ineligible for unionization.

**Union density rate** refers to the number of dues-paying union members compared to the total number of state employees. This number blends the union membership rate with the unionization rate to give one a sense of the overall level of union entrenchment in state government.

For public policy, these metrics are an invaluable tool to evaluate the impacts of policy and program changes.<sup>6</sup> For example, a high union membership rate may indicate that a union has proven its value to employees. Yet, it could also signal that a state has laws that make it difficult for workers to resign their union membership. An increasing unionization rate may show that unions are aggressively organizing new employees within a given workplace, while a decreasing rate may be evidence that employees are not seeing any benefits from collective bargaining. A high union density rate may show that public sector labor laws in a state give special legal privileges to unions, while low union density rates may show the laws favor workers in that state.

## METHODOLOGY

The CPS asks respondents questions about union representation and union membership. These statistics are widely accessible, and thus widely cited in research about union density.<sup>7</sup>

However, CPS data is not without its faults. As Jarret Skorup of the Mackinac Center notes, the survey data relies on a relatively small sample size and faces significant respondent error.<sup>8</sup> Given this, public records requests provide more accurate union density data. By going directly to the employer and requesting payroll records, researchers can determine the exact number of employees represented and paying dues.

To better understand the intricacies of government union membership in state governments throughout the country, the Commonwealth Foundation submitted public records requests to state government agencies in all 50 states. The requests sought the number of state employees represented by government unions and the number of state employees paying dues via payroll deduction to their representative, key metrics in calculating membership rate, unionization rate, and union density. Although these numbers do not include government employees (and union members) on the county, municipal, or school district levels—and therefore do not approximate

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6 Jarrett Skorup, “The *Janus* Effect: The Impact of the 2018 Supreme Court Decision on Public Sector Unions,” Mackinac Center, June 15, 2023, <https://www.mackinac.org/s2023-05>.

7 To the reader, Unionstats.com, a project of Barry Hirsch (Georgia State University), David Macpherson (Trinity University), and William Even (Miami University), houses union density data from the CPS dating back to 1973 and receives annual updates with every release.

8 Skorup, “The *Janus* Effect: The Impact of the 2018 Supreme Court Decision.”

the raw numbers estimated by the CPS—they do give a more reliable set of numbers researchers can weigh over time.

Although public records arguably paint a more accurate picture of union membership and other measures than CPS data, public records have their respective limitations. Perhaps chief among them, state governments rarely collect or maintain records directly showing whether employees are union members. Payroll records reflect how many employees pay union dues, but some employees, if the union allows, may have elected to pay union dues directly. This is especially true for employees working in states or state subdivisions where the government has refused, by law or collective bargaining agreement, to deduct membership dues entirely.

Public records requests confirmed that state government employees do not collectively bargain in 17 states.<sup>9</sup> Of the other 33 states, three states (California, Illinois, and Missouri) withheld the information due to laws that exempt union status from disclosure under the state’s public records law. Two states, Iowa and Washington, claim they do not maintain public records on payroll deductions. One state, Delaware, does not provide public records to out-of-state residents.

**FIGURE 1: PUBLIC SECTOR UNION MEMBERSHIP DATA UNAVAILABLE FOR 23 STATES**

**TWENTY-THREE STATES DID NOT PROVIDE UNION MEMBERSHIP METRICS.**

Reason for Not Providing Information	States
No Collective Bargaining in State Government	AL, AR, GA, ID, IN, KY, MS, NC, OK, SC, SD, TN, TX, UT, VA, WV, WY
Privacy Exemption	CA, IL, MO
Not Tracked	IA, WA
Unavailable to Non-Citizens	DE

Source: Public records requests filed by the Commonwealth Foundation.

In addition to the public records request data, the Commonwealth Foundation compiled Census Bureau state workforce statistics to calculate a state’s unionization rate and union density.

## UNION MEMBERSHIP RATES IN STATE GOVERNMENT

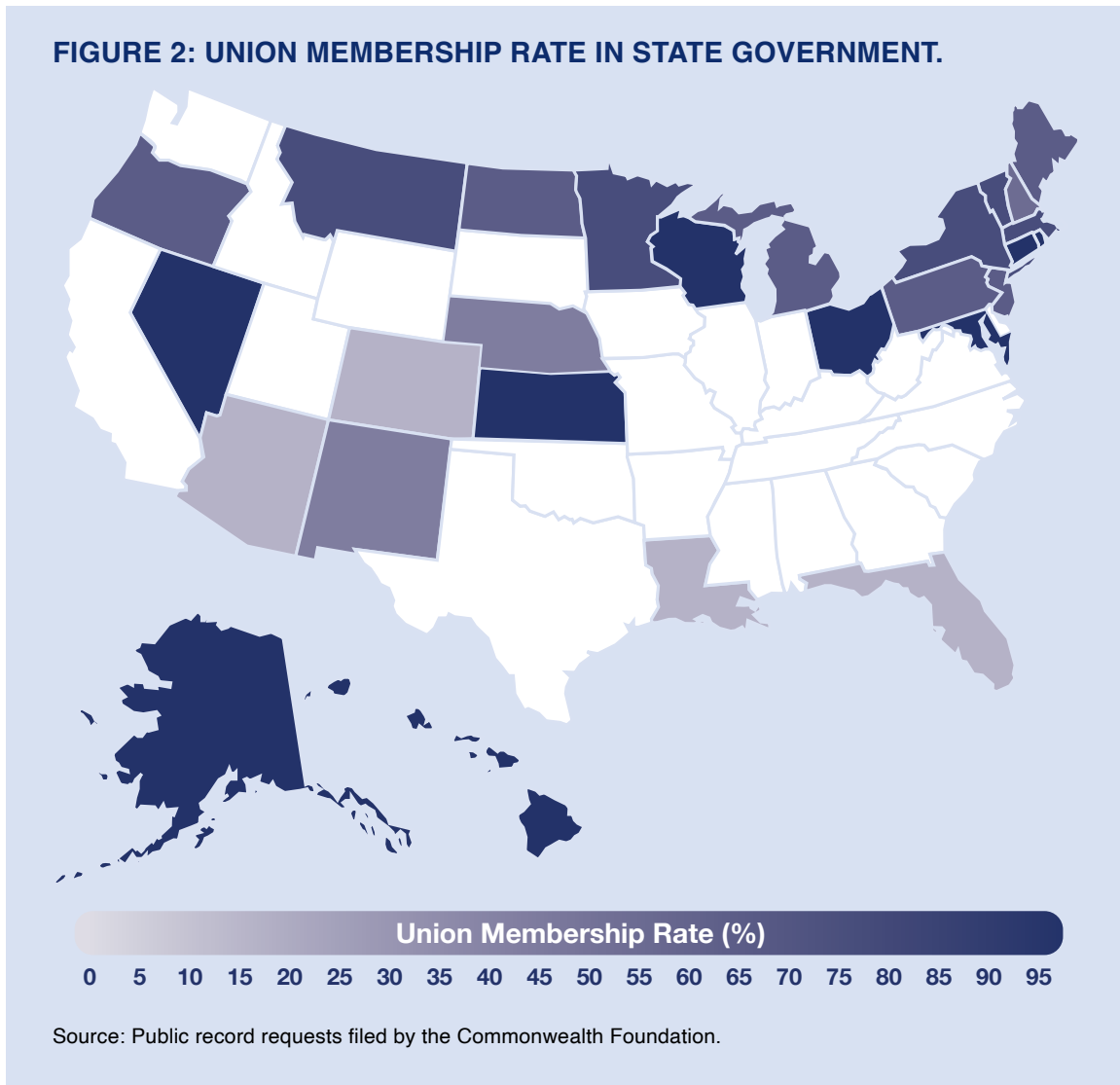
Of the 27 responsive states, New York has the largest union-represented workforce, with over 219,000 employees. Florida has the second largest, at just over 67,000 state employees, followed by Pennsylvania, with 62,231. North Dakota had the smallest group of such employees at 90. In North Dakota, State Mill employees are the only state employees who collectively bargain. Wisconsin has the second-lowest number of union-eligible employees at 357, followed by Nevada at 4,353.<sup>10</sup> Nine states had less than 10,000 union-eligible employees in their state workforces, while 11 states had more than 25,000.

New York has the largest number of state government employees paying dues to a union at over 174,000, followed by Pennsylvania (46,084) and New Jersey (45,717). North Dakota has

<sup>9</sup> Public records requests filed by the Commonwealth Foundation in March 2023.

<sup>10</sup> To the reader, due to Wisconsin’s paycheck protection law, only public safety employees can pay membership dues through payroll deduction. Thus, the information obtained through the public records request only accounts for the state government’s public safety employees.

the lowest number of state government employees paying dues to a union, with 57. Wisconsin has the second-lowest number (349), followed by New Mexico (3,122). Of the 27 responsive states with collective bargaining, 14 have less than 10,000 union members working in state government.



Among the states with state employee collective bargaining, the overall average membership rate was 66.46 percent, meaning that 66.46 percent of union-represented employees pay dues. Twenty-one of the 27 responsive states have membership rates exceeding 50 percent, with four states exceeding a 90 percent membership rate. However, given the vast differences in the size of government, it is important to contextualize the membership rates. For comparison purposes, a state with over 10,000 union-represented employees is a “large” state, and a state with less than 10,000 is a “small” state.

**FIGURE 3: UNION MEMBERSHIP RATES FOR STATE EMPLOYEES IN “LARGE” STATES.**

Rank	State	Union Members	Represented Employees	Membership Rate
1	MD	23,387	24,004	97.43%
2	KS	9,223	10,201	90.41%
3	CT	41,290	47,824	86.34%
4	OH	26,891	31,690	84.86%
5	AK	11,942	14,696	81.26%
6	NY	174,149	219,081	79.49%
7	NJ	45,717	57,644	79.31%
8	HI	10,481	13,619	76.96%
9	PA	46,084	62,231	74.05%
10	MN	35,106	49,190	71.37%
11	MA	25,829	36,894	70.01%
12	MI	20,916	31,169	67.11%
13	OR	21,940	33,796	64.92%
14	NE	3,882	10,761	36.07%
15	AZ	4,188	16,809	24.92%
16	CO	3,385	19,513	17.35%
17	LA	4,413	26,352	16.75%
18	FL	10,606	65,676	16.15%

Source: Public records requests filed by the Commonwealth Foundation.

Of the large states, Maryland has the highest public sector union membership rate for state employees at 97.43 percent. Maryland and Kansas are the only large states with membership rates over 90 percent. Florida, a large state, has the lowest membership rate of any state (large and small) at 16.15 percent. Louisiana and Colorado, which unionized state employees more recently, are two other large states with membership rates below 20 percent.<sup>11</sup> In total, large states have an average membership rate of 63 percent, over three percentage points lower than the overall average of 66.46 percent.

<sup>11</sup> Spencer Irvine, “Unions Make Gains in Colorado,” Americans for Fair Treatment, February 21, 2023, <https://americansforfairtreatment.org/2023/02/21/unions-make-gains-in-colorado/>.



**FIGURE 4: UNION MEMBERSHIP RATES FOR STATE EMPLOYEES IN “SMALL” STATES.**

Rank	State	Union Members	Represented Employees	Membership Rate
1	WI*	349	357	97.76%
2	RI	9,659	9,987	96.72%
3	NV	3,662	4,353	84.13%
4	VT	5,654	7,351	76.91%
5	MT	4,849	6,884	70.44%
6	ME	6,108	9,334	65.44%
7	ND	57	90	63.33%
8	NH	5,454	8,948	60.95%
9	NM	3,122	7,077	44.11%
18	FL	10,606	65,676	16.15%

\* To the reader, due to Wisconsin’s paycheck protection law, only public safety employees can pay membership dues through payroll deduction. Thus, the information obtained through the public records request only accounts for the state government’s public safety employees.

Source: Public records requests filed by the Commonwealth Foundation.

Wisconsin has the highest public sector union membership rate for state employees among small states, with 97.76 percent of the 357 represented employees choosing to pay membership dues. Rhode Island also has a membership rate exceeding 90 percent. New Mexico has the lowest membership rate of any small state at 44.11 percent. In total, small states have an average membership rate of 73.3 percent, which exceeds the overall average rate by nearly seven percentage points.

## UNIONIZATION IN STATE GOVERNMENT

In the 26 states that provided comprehensive union density information, the average unionization rate of state employees is 43.5 percent.<sup>12,13</sup> Figure 7 shows the unionization rate in each state with comprehensive union membership information.

Connecticut has the highest unionization rate for state employees, at 100 percent.<sup>14</sup> New York has the second largest unionization rate at over 98 percent. Minnesota, Alaska, and New Hampshire were the only other states with unionization rates exceeding 60 percent. North Dakota has the lowest unionization rate in state government, with less than one percent of employees represented by a union. Nevada has the second lowest at 17 percent. In total, eight states had a unionization rate below 30 percent, while only five had a unionization rate above 60 percent.

12 To the reader, this study calculates unionization rates using state government workforce size data from the Census Bureau. See: United States Census Bureau, “2022 Census of Governments, Survey of Public Employment & Payroll: State Government Employment & Payroll Data,” June 13, 2023, <https://www.census.gov/programs-surveys/apes/data/datasetstables/2022.html>.

13 To the reader, due to Wisconsin’s limited union information, this study excludes the state from the unionization rate analysis.

14 To the reader, Connecticut’s unionization rate exceeds 100 percent due to differences in workforce size between 2022 and 2023. The most recent Census Bureau data covers 2022, while the public records request data covers 2023.

**FIGURE 5: UNIONIZATION RATE FOR STATE EMPLOYEES BY STATE.**

State	Represented Employees	Total Workforce	Unionization Rate
CT	47,824	47,755	100.14%
NY	219,081	222,569	98.43%
MN	49,190	68,866	71.43%
AK	14,696	22,107	66.48%
NH	8,948	14,650	61.08%
VT	7,351	12,370	59.43%
ME	9,334	16,969	55.01%
RI	9,987	18,869	52.93%
OR	33,796	67,568	50.02%
NJ	57,644	117,617	49.01%
PA	62,231	135,988	45.76%
FL	65,676	156,412	41.99%
MT	6,884	17,139	40.17%
MA	36,894	93,418	39.49%
LA	26,352	71,798	36.70%
NE	10,761	29,542	36.43%
MD	24,004	76,967	31.19%
OH	31,690	102,978	30.77%
CO	19,513	71,152	27.42%
AZ	16,809	61,305	27.42%
HI	13,619	50,152	27.16%
MI	31,169	115,436	27.00%
KS	10,201	49,175	20.74%
NM	7,077	41,074	17.23%
NV	4,353	25,482	17.08%
ND	90	15,691	0.57%

Source: Public records requests filed by Commonwealth Foundation and the United States Census Bureau’s “2022 Census of Governments, Survey of Public Employment & Payroll: State Government Employment & Payroll Data.”

## UNION DENSITY IN STATE GOVERNMENT

Connecticut also has the highest union density rate for state employees, with 86.46 percent of all state employees paying dues to a representative union. New York has the second-highest rate at 78.24 percent, while Alaska has the third-highest rate at 54.02 percent. Connecticut,

New York, Alaska, Rhode Island, and Minnesota are the only states with union density rates above 50 percent.

Seven states have density rates below 10 percent. North Dakota has the lowest density rate of any state, at 0.36 percent, followed by Colorado at 4.76 percent and Louisiana at 6.4 percent. Across the 26 states with comprehensive statistics, the average union density rate for state employees is 29.82 percent.

**FIGURE 6: UNION DENSITY IN STATE GOVERNMENTS BY STATE.**

State	Union Members	Total Workforce	Density Rate
CT	41,290	47,755	86.46%
NY	174,149	222,569	78.24%
AK	11,942	22,107	54.02%
RI	9,659	18,869	51.19%
MN	35,106	68,866	50.98%
VT	5,654	12,370	45.71%
NJ	45,717	117,617	38.87%
NH	5,454	14,650	37.23%
ME	6,108	16,969	36.00%
PA	46,084	135,988	33.89%
OR	21,940	67,568	32.47%
MD	23,387	76,967	30.39%
MT	4,849	17,139	28.29%
MA	25,829	93,418	27.65%
OH	26,891	102,978	26.11%
HI	10,481	50,152	20.90%
KS	9,223	49,175	18.76%
MI	20,916	115,436	18.12%
NV	3,662	25,482	14.37%
NE	3,882	29,542	13.14%
NM	3,122	41,074	7.60%
AZ	4,188	61,305	6.83%
FL	10,606	156,412	6.78%
LA	4,413	71,798	6.15%
CO	3,385	71,152	4.76%
ND	57	15,691	0.36%

Source: Public records requests filed by Commonwealth Foundation and the United States Census Bureau’s “2022 Census of Governments, Survey of Public Employment & Payroll: State Government Employment & Payroll Data.”

## DISCUSSION

Public records requests confirm that collective bargaining in state government is relatively common, outside of the south. Of the 17 states that do not have collective bargaining for state employees, 12 are south of the Mason-Dixon Line. Collective bargaining at the state level concentrates on the coasts and in the Rust Belt. Every state in the Northeast collectively bargains at the state level.

Union density, which functions as a blend of unionization and membership rates, is a useful metric in understanding union activity in a state. Connecticut and New York have the highest union density rates for state employees, at 86.46 and 78.24 percent respectively. These two states are the only states with a union density rate for state employees over 55 percent.

Predictably, the legal environment surrounding public sector labor in a state correlates with the union density rate for its state employees. The five states with the highest density rates received grades of “D” or worse in the Commonwealth Foundation’s latest grading of state labor laws.<sup>15</sup> Such a legal environment has effects and consequences, as evidenced by the high union density rates. When government unions hold a legal advantage over employees, employees are more likely to be represented by a union and pay dues to a union.

North Dakota and Colorado had the two lowest union density rates for state employees, at 0.36 and 4.76 percent respectively. Of the five states with the lowest union density rates, all five earned a grade of “C” or better.<sup>16</sup> These states’ labor laws are generally more friendly to workers than other states. When coupled with the grades of the states with the highest union density rates, this data suggests that when a state’s legal environment does not blatantly favor government unions, state employees are more likely to decline unionization and union membership.

Statutory privacy exemptions were a significant obstacle to obtaining comprehensive union membership statistics. As discussed, these exemptions are the law in three states: California, Illinois, and Missouri. In California and Illinois, the exemptions in state law come from government union-supported efforts to decrease transparency around collective bargaining.

The California Government Code exempts records that “...reveal a state agency’s deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights.”<sup>17</sup> In 2017, Sacramento extended this exemption to local agencies with an act to amend the code (Assembly Bill 1455), supported by unions.<sup>18,19</sup>

The Illinois exemption on union membership information comes from a 2019 union-backed law.<sup>20</sup> Public Act 101-0620 exempts “...any information personally identifying employee membership or membership status in a labor organization or other voluntary association affiliated with a labor organization or a labor federation (including whether employees are members of such organization, the identity of such organization, whether or not employees pay or authorize the payment of any dues or moneys to such organization, and the amounts of such dues or moneys).”<sup>21</sup>

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15 Brannick and Holman, “The Battle for Worker Freedom in the States.”

16 Brannick and Holman, “The Battle for Worker Freedom in the States.”

17 CA Govt. Code § 7928.405 (2022), <https://law.justia.com/codes/california/2022/code-gov/title-1/division-10/part-5/chapter-14/article-5/section-7928-405/>.

18 Assemblyman Raul Bocanegra, “AB-1455 The California Public Records Act: Exemptions,” Chaptered by Secretary of State – Chapter 560, Statutes of 2017, [https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill\\_id=201720180AB1455](https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201720180AB1455).

19 Craig Alexander, “Unions Trying to Kill Government Transparency,” California Policy Center, May 1, 2017, <https://californiapolicycenter.org/unions-trying-kill-government-transparency/>.

20 Illinois Education Association, “IEA Helps Pass Legislation to Reaffirm Workplace Rights for Employees,” November 13, 2019, <https://ieanea.org/2019/11/13/iea-helps-pass-legislation-to-reaffirm-workplace-rights-for-employees/>.

21 Sen. Don Harmon, 2019 Public Act 101-0620 (Senate Bill 1784), Illinois General Assembly, <https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1784&GAID=15&DocTypeID=SB&SessionID=108&GA=101>.

## CONCLUSION

Unionization has been on the decline in the United States since the 1970s. However, unionization rates have increased in the public sector. In the 26 states that provided comprehensive union membership data, an average of 43.5 percent of state government employees have unions representing them for purposes of collective bargaining. On average, 68.46 percent of state employees represented by a union for purposes of collective bargaining are members of that union. An average of 29.82 percent of all state government employees in these states are union members.

Union membership statistics seem to correlate with the public sector labor laws in a state. The states with the highest union density rates tend to have a legal environment that favors government unions. The states with lower union density rates have laws that favor workers over unions.

Although cause and effect may be impossible to untether, the impact of future changes in law and policy may be measured, in part, by looking at how union density rates respond year over year. As states like New York become more labor-friendly, and states like Florida become more worker-friendly, examining changes in union density can help explain the impact of these policies on workers and unions alike.

# APPENDIX

## UNION MEMBERSHIP METRICS BY STATE

State	Membership Rate	Unionization Rate	Union Density Rate
CT	86.34%	100.14%	86.46%
NY	79.49%	98.43%	78.24%
MN	71.37%	71.43%	50.98%
AK	81.26%	66.48%	54.02%
VT	76.91%	59.43%	45.71%
ME	65.44%	55.01%	36.00%
RI	96.72%	52.93%	51.19%
OR	64.92%	50.02%	32.47%
NJ	79.31%	49.01%	38.87%
PA	74.05%	45.76%	33.89%
FL	16.15%	41.99%	6.78%
MT	70.44%	40.17%	28.29%
MA	70.01%	39.49%	27.65%
LA	16.75%	36.70%	6.15%
NE	36.07%	36.43%	13.14%
MD	97.43%	31.19%	30.39%
OH	84.86%	30.77%	26.11%
CO	17.35%	27.42%	4.76%
AZ	24.92%	27.42%	6.83%
HI	76.96%	27.16%	20.90%
MI	67.11%	27.00%	18.12%
KS	90.41%	20.74%	18.76%
NM	44.11%	17.23%	7.60%
NV	84.13%	17.08%	14.37%
ND	63.33%	0.57%	0.36%
NH	60.95%	61.08%	37.23%



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