

Union Business Leave Practices in Large U.S. Municipalities: An Exploratory Study

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Abstract

This article examines union business leave (UBL) or official time practices among the 77 largest municipalities in the United States. Specifically, it evaluates UBL practices as articulated in 231 collective bargaining agreements (CBAs) of police, firefighter, and nonsafety public employee unions. Results indicate that UBL is prevalent as 72% of unions receive some kind of UBL, most frequently paid leave financed by the city or through cost-sharing arrangements. Empirical findings suggest these practices are driven by political factors, and that resource constraints or the state or regional-level environment are nonsignificant. The article discusses these results and offers a series of policy recommendations.

Keywords

union business leave, official time, union release time, transparency, UBL

Introduction

In early 2016, an auditor for Howard County, Maryland, found that the county sheriff had received nearly 200 hours of “county-subsidized campaign labor” (Waseem, 2016). The auditor suggested this labor came about via the misuse of official time for union business. Some of the time came from employees ineligible for union business leave (UBL), and some came about via improper use of the time by otherwise eligible employees (Waseem, 2016). As both are problematic, the report has the county

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scrambling to recoup costs and defend its labor practices. Though this is a particularly egregious case, scrutiny of UBL at all levels of government is nothing new. In 2012, the State of New Jersey conducted an investigation into the practice of allowing official time for UBL. It concluded,

Although it is not uncommon, nor is it necessarily improper, for government employers to grant some form of time-off for union work, the Commission found significant and questionable variations in how such leave is authorized, who qualifies for it, who keeps track of it, how it is constituted and who ultimately pays the bill. (State of New Jersey, 2012, p. 9)

Despite the potential for abuse, it is essential to note that UBL can serve an essential role in smoothing labor–management relations, which in turn creates tangible value for the public (Government Accounting Office [GAO], 2014). In spite of this tension, there is almost no systematic information about UBL at the local level. This article serves as a first attempt to provide insight into these practices.

The existence of UBL at the state and local level is an outcome of allowing collective bargaining in the public sector. At the federal level, the Civil Service Reform Act of 1978 (CSRA) authorized official time, or UBL, for federal employees representing unions (§ 7131). In all three cases, official time for UBL can be either paid or nonpaid and allows public sector employees to perform functions on behalf of a labor group in lieu their normal day job. If union leave is paid, the employee performs certain duties while receiving a paycheck. This leave can include working in a public office or off-site at a union office. In some cases, the employee works for the union full-time. Activities can include time off for negotiations, grievances, attendance at impasse proceedings, participation in labor–management workgroups, facilitation of new workplace initiatives, and participation in local, state, and national union activities (GAO, 2014; Woska, 1988). Partisan political activity is prohibited while on union release time; however, lobbying conducted by federal union officials is allowed as long as it is nonpartisan (Bullock, 2006; Hatch Act of 1939, §1502).

The purpose of this exploratory study is to gain a better understanding of official time or UBL practices within local municipalities. We endeavor to answer three research questions:

Question 1: How common are UBL provisions in CBAs between public employee unions and large municipal employers?

Question 2: What specific UBL practices are most common?

Question 3: What drives the variation in the presence of UBL and various UBL practices?

To answer the first and second questions, we engage in a robust descriptive analysis of the UBL practices of the largest 77 municipalities in the United States. We find that UBL is common among local governments, with 72% of employee groups receiving some form of coverage. To answer the second question, we draw on policy innovation

and diffusion studies to explore the effects of political motivation, resources, and the external environment on UBL practices in these 77 cities. We find that variation in UBL appears to be driven by political factors and not budgetary resources or the external environment.

Background

Whereas UBL at the local level has received almost no attention, there has been a considerable amount written about the practice at the federal and state level. In this section, we describe UBL at both levels before examining the costs and benefits of UBL in those contexts.

The Federal Picture

The CSRA provides a legal basis for management and labor relations at the federal level; guarantees that federal sector unions represent all employees in a bargaining unit, regardless of whether the employees are dues-paying members of the union; and establishes two sources of official time (1978, § 7102; GAO, 2014). Official time provides UBL for paid union business agents to represent the union in matters like collective bargaining or grievances as a statutory right. Official time for other purposes must be negotiated between the union and agency. However, activities that relate to internal union business, such as the solicitation of members or the election of union officials, must be performed when in a nonduty status; that is, not on official time (GAO, 2014).

While paid and unpaid union leave have been accepted practices for federal public sector unions, renewed attention has been placed on how often employees are conducting union activities while receiving a tax-payer-funded salary. The Government Accountability Office (GAO) conducted a study of official time in 2014, and found federal employees used 2.5 million hr of UBL in fiscal year 2013. The GAO found that the costs estimates by the agency responsible for collecting this data, the Office of Personnel Management (OPM), were not reliable (GAO, 2014). The OPM relied upon agencies to report UBL; however, it does not cross-check the accuracy of those reports. As there is no agreed upon method for reporting and managing UBL, the OPM had no way of knowing what the reported time means. The GAO recommended three actions to improve the collection, tracking, and reporting on the use of official time: (a) have OPM consider other approaches to estimate costs, (b) have OPM work with agencies to identify opportunities to increase the efficiency of data collection, and (c) share agencies' practices on monitoring the use of official time (GAO, 2014).

Politically, Republicans in Congress have targeted UBL for years and lawmakers in both Chambers have introduced legislation aimed at both increasing data collection requirements for UBL as well as eliminating UBL for federal employees altogether. In addition, in early 2016, the chairman of the House Oversight and Government Reform Committee launched an investigation to collect official time data from every agency, down to the square footage in rooms where employees conduct union activity (Katz, 2016b). H.R. 4392 would increase data collection and make reporting a requirement

for the OPM (To Amend Title 5. . . . 2016). H.R. 1658, the Federal Employee Accountability Act (FEAA) of 2015, would ban all UBL by striking the sections of the CSRA that authorize the practice. The FEAA was originally introduced in 2009. It should be noted that these congressional actions may reflect a partisan ideological agenda.

Federal unions have criticized these legislative efforts. According to Katz (2016b), the agreement on official time came

. . . as a tradeoff for the requirement that the groups represent all employees in their collective bargaining units, whether or not they are union members Unlike in other sectors, federal unions cannot require workers they represent to pay dues. (para. 12)

Federal unions have pointed to their inability to charge fair-share or agency fees to justify the use of official time because they are required to represent nonunion “free riders” who don’t pay dues in negotiations.

The State Context

On the state and local level, the picture is more complex. Twenty-six states have Right-to-Work laws. State and local unions in these states face a similar situation as their federal counterparts in needing to represent members who do not pay dues and “free-ride” (National Right To Work [NRTW], 2016). However, 24 states require union membership when there is an established bargaining unit for public employees. In these states, representing nonpaying members is not an issue even though UBL practices are prevalent. Katz (2016a) suggested that the recent Supreme Court deadlocked vote in *Friedrichs v. California Teachers Association*, which left intact a lower court ruling allowing state and local government employees unions the right to continue to collect agency fees, has thwarted attempts by those in Congress seeking to eliminate UBL practices (*Friedrichs v. California Teachers Association*, 2016). If the Supreme Court had prohibited agency or fair-share fees in state and local government sectors, it would have undermined the core argument for official time.

The Benefits and Costs of UBL

One focus for unions regarding UBL practices is the ability to represent employee grievances properly without having to hire outside lawyers and mediators. Unions argue that UBL streamlines the process of negotiating settlements for grievances that would otherwise require more costly administrative and legal procedures (GAO, 2014). UBL allows management to work with employee representatives instead of dealing with individual employee grievances and issues. The main argument from federal employee representatives is that management and unions must come to agreement in order for the workplace to run efficiently and UBL is critical in making this happen (GAO, 2014; Katz, 2016b). Of course, as the GAO also pointed out, the amount spent on UBL is unknown at the federal level. It is even more complex and

nebulous at the state and local levels, due to the intermingling of state legal provisions and diverging local practices.

A recent investigation into UBL practices in New Jersey found a substantial taxpayer cost of more than US\$30 million. While US\$30 million is relatively small on a per-general-purpose-government basis (about US\$50,000 per government), the figure is also nontrivial in absolute terms. As with congressional investigations, state reviews may also reflect a partisan or ideological agenda. The Commission of Investigations found differences across the state on which party was responsible for paying for UBL. In some cities, labor paid and in others the municipality assumed these costs. The report found that more often than not, employers granted UBL “as a matter of long-standing custom and practice” or even as part of “sidebar” agreements negotiated separately from the CBA (State of New Jersey, 2012, p. 3). Moreover, the Commission described the record keeping for UBL authorization as “sloppy, incomplete or nonexistent” (State of New Jersey, 2012, p. 4) and pointed to numerous cases where unethical procedures guided compensation of employees for UBL. Employees received UBL compensation without record of the employee on leave, the reason for leave, or the amount of compensation in salary or fringe benefits.

The Commission made four recommendations to the executive branch to improved tracking, transparency, and data collection. The first was to “eliminate or substantially curtail taxpayer funded UBL” (State of New Jersey, 2012, p. 24). While recognizing the right to organize, the Commission noted that dues-paying members fund the union and the taxpayer should not be paying for the compensation. A second recommendation focused on the need to “establish uniform rules for granting union leave” (State of New Jersey, 2012, p. 25). A third recommendation was to “enhance public disclosure and transparency” (State of New Jersey, 2012, p. 26). It was noted that sidebar agreements and customary leaves were common and served to hide practices from the public. Finally, the Commission recommended that individuals assigned to paid UBL be required to provide immediate proper notice to state agencies so they can adequately ensure that other provisions of the law (e.g., distribution of pension benefits) are followed (State of New Jersey, 2012).

Conceptual Framework

There is almost no literature on UBL at the local level, meaning there is little existing theory to explain this policy choice. However, there is literature that explains the factors surrounding the adoption of policies at the state and local levels. We draw on the policy innovation and diffusion literature to help guide our analysis. It is important to note that this framework is exploratory and likely does not exhaust all potential sources of variation in UBL practices among large municipal governments.

Studies of policy innovation can be divided into two categories: diffusion models and internal determinants models. The former focuses on action in surrounding jurisdictions as potential motivators for policy change. For instance, if Arizona, California, Nevada, and Colorado all adopt a policy on K-12 education, a diffusion model would suggest that Utah is more likely to adopt a similar policy. Internal

determinants models suggest that while diffusion can and does happen, the more important factors are the social, political, and economic characteristics of a government (Berry & Berry, 2007). We follow this approach, wherein we emphasize the characteristics of a government that might alter propensity to adopt differing UBL practices and control for diffusion effects by capturing the effects of the external environment on policy adoption. As such, we characterize the likelihood that a large municipal government offers paid UBL as a function of the political motivation to adopt the policy, the resources available to the government to enact the policy, and the external environment.

Political Motivation

The Democratic accountability mechanisms of government work to ensure that elected officials tend to support things that the public supports. Politicians are motivated by their desire to secure reelection, so they respond to constituents by advancing policies they believe their constituents support. Policy and innovation theory typically suggests these motives have an effect on which policies will be supported by politicians (Berry & Berry, 2007).

Given the effects of the reelection motive on policies, we expect that employee organizations with stronger public support—and therefore, additional political leverage—will be more likely to receive UBL. To this end, there is evidence that public safety employees may be viewed more favorably than general government employees are. For example, pension reform legislation in Illinois, Michigan, and Wisconsin has exempted police and fire employees. In the broadest sense, these examples may be evidence that politicians are more willing to make concessions (e.g., allowing UBL or more UBL) for groups that engender a larger degree of public support. As a result, we can infer that general government employees (nonsafety) and public safety employees (fire and police) may have varying UBL practices due to more influential labor representation for public safety employees (Chandler & Gely, 1995; Reilly & Thom, 2015; Wilson, Zhao, Ren, & Briggs, 2006).

Hypothesis 1 (H1): Public employee groups that are categorized as public safety receive more generous UBL than do employee groups that are considered nonsafety.

Instead of or in addition to being more likely to make concessions to more publicly favored public employees, management may be less concerned about offering UBL when they believe the information will not become public knowledge. This may occur if management views UBL as a way to smooth management–labor relations but believes the public will dislike the resource commitment associated with UBL. Consequently, less generous UBL practices would result where transparency is strong. In addition, public accountability likely prevents extremely generous UBL practices that might be considered an abuse or misuse of public funds. The greater level of transparency can also counteract the political power of the unions in obtaining generous UBL benefits (Hunter & Rankin, 1988; Reilly, Schoener, & Bolin, 2007; Wellington & Winter, 1971).

Hypothesis 2 (H2): Municipalities that are ranked low in transparency will be more likely offer more generous UBL relative to those that are ranked high in transparency.

In addition to the political strength of the employee group and the transparency of the documentation and negotiation process, the individual responsible for running the government may affect the bargaining position of the government. There is evidence that governance structure plays a role in the outcome of negotiations. According to Kearney and Mareschal (2014), the council-manager form of government reduces the advantage for public sector unions because city managers view themselves as management representatives. As a result, city managers are more likely to resist union demands, such as more generous UBL practices, and to protect management authority. Conversely, the strong mayor system is more prone to influence by groups—such as unions—that have resources and can aid politicians in their reelection bids. As a result, we expect strong mayor type of governments should be more inclined to offer UBL than their council-manager counterparts.

Hypothesis 3 (H3): Municipalities that have a strong mayoral government will have a higher chance of offering more generous UBL.

Resources

In studies of policy adoption, there are two potential directions of the relationship between resources and innovation. Resources are thought to encourage adoption, because new actions tend to require additional resources (Berry & Berry, 2007). Alternatively, the constraints brought about due to limited resources might force public officials to consider new alternatives (Berry & Berry, 1992). In this case, it would seem that UBL is likely to require additional resources. In a broad sense, numerous studies link unionism and collective bargaining with higher costs of government (e.g., Anzia & Moe, 2015; Folke, Hirano, & Snyder, 2011; Vallenta, 1989; Zax & Ichniowski, 1988). Hunter and Rankin (1988) suggested that the political power of public sector unions has a greater impact on fringe benefits than on wages, and collectively bargained environments have been associated with enhanced pension coverage and other postemployment benefits of employees (Freeman, 1985; Norcross, 2011). More specifically, UBL has been known to have substantial costs (State of New Jersey, 2012). Based on this, we expect UBL to be more likely in situations when municipal governments have a stronger financial condition.

Hypothesis 4 (H4): Municipalities with a stronger financial condition will be more likely to offer more generous UBL.

External Environment

Though our framework is focused on the internal characteristics of a municipal government that may motivate the use of UBL, there are potential external factors that

might alter the propensity to offer UBL. Of particular import are the state and regional environment local governments operate in. Unlike states, which set their own policies and have constitutionally mandated authority, local governments are creatures of their individual state government and have correspondingly reduced autonomy.

In this case, states can and do regulate collective bargaining for public sector unions at the local level and some states prohibit the practice entirely. The presence of statutes, or case law, governing collective bargaining is not the same in each state. Alabama and Mississippi have none for firefighters or police. Colorado and Wyoming have none for firefighters. Only Arizona has none for teachers. In almost all of the remaining states, firefighters, police, and teachers have the legal right (but not the requirement) to bargain collectively. Many states have legislation that covers all public employees in the state and establishes both the right to organize and to bargain collectively (Sanes & Schmitt, 2014). In a small number of states, such as Alabama, Arizona, Colorado, Mississippi, and Wyoming, neither legal statutes nor case law clearly establish or prohibit collective bargaining at the state level. In other states, for example, Nevada, collective bargaining is only allowed at the local level as statute shifts that authority to cities, towns, and counties with no recognized ability for the state to negotiate a labor agreement. As a result, collective bargaining is often permissible at the state level, but the actual legality of collective bargaining depends on local laws (National Conference of State Legislatures, 2016; Sanes & Schmitt, 2014). Of the states that prohibit collective bargaining for public sector employees, including police, firefighters and teachers, all of them—Georgia (prohibited for police and teachers only), North Carolina, South Carolina, Tennessee (firefighters and police only), Texas (prohibited for teachers only), and Virginia—are located in the south. Furthermore, the majority of right-to-work states are located in the south (Ichniowski & Zax, 1991; NRTW, 2016). Therefore, we expect that UBL will be less prevalent in southern states compared with other geographical regions.

Hypothesis 5 (H5): Municipalities in the southern region will be likely to offer generous UBL compared with the northeast, Midwest, and western regions.

Data

Background

This study evaluates how the 77 largest municipalities in the United States, each city with more than 250,000 people (U.S. Census Bureau, 2015), allot time for official time or UBL. Our evaluation of these municipalities focused on two public safety employee groups (firefighter and police officers) and the largest public nonsafety union. Though we did not collect information about the largest nonsafety unions explicitly, the most common examples were the American Federation of State, County and Municipal Employees, Service Employees International Union, and the Teamsters.

To conduct this assessment, we first gathered public records related to UBL. From March 2015 through August 2015, we used city or union websites, Internet searches,

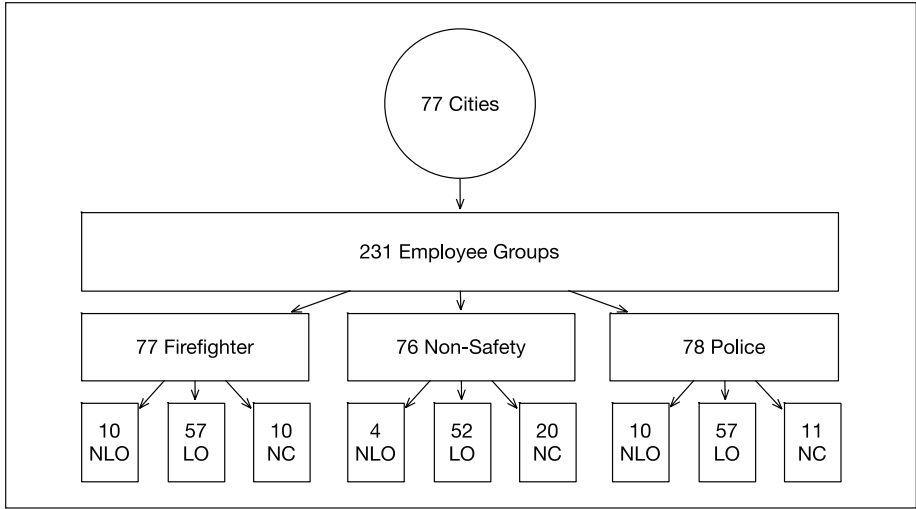


Figure 1. Data collected.

Note. NLO = no leave offered; LO = leave offered; NC = no contract.

email requests, and even public records requests to collect CBAs in the 77 cities for the 231 employee groups. In 41 instances, we were unable to find any CBA. Given our use of public records requests, we inferred that no CBA existed in these cases. For the remaining cases, we coded the CBAs to assess UBL practices. Finally, we gathered information from a variety of sources on the cities, unions, and the external environment that serve as predictor variables in our analyses.

Figure 1 presents an analysis of the arrangements of 77 municipalities and their 231 employee groups. Table 1 presents a basic summary of the 77 cities, with most in the south and west (35% each) and a minority in the northeast (9%) and Midwest (21%).

Outcome Variables: UBL Practices

We evaluate UBL practices using three different outcome variables. These variables are dichotomous or noncontinuous (e.g., yes or no, ordinal scales) in nature and were derived from answers to several questions related to UBL in each municipality. Broadly speaking, these variables capture whether a municipality offers UBL, who pays for UBL, and the amount of UBL offered. For the third outcome variable, we construct a binary variable taking a 1 when the amount of UBL exceeds 500 hr annually and 0 when it is less than 500 hr annually. We selected this cutoff because when CBAs specified how much UBL they offered, 46 said more than 500 hr and 40 said less than 500 hr. Constructing the variable this way also avoids biasing the results toward outliers offering thousands of hours annually. Table 2 describes all three outcome variables and the coding process used to generate them in more detail.

Table 1. Region and Government Breakdown.

Region	%
Midwest	21
Northeast	9
South	35
West	35
Strong mayor vs. council	57

Note. $N = 77$ cities.

Table 2. Outcome Variable Construction.

Question	Potential responses
Do the employee groups offer UBL? If yes, is it paid or nonpaid?	Yes or no, paid or unpaid
Who is eligible for paid UBL?	Only officers, every member, designated representatives, mix of officers and designative representatives, or not specified
Who is responsible for funding UBL?	City, union, both, not specified
What is the maximum hours of annual UBL?	Less than 500 hr, more than 500 hr, employee/union decides what is reasonable, or does not specify
If the maximum UBL is not used, do the hours roll over to next year?	Yes or no

Note. UBL = union business leave.

Predictor Variables

To test the hypotheses offered in the conceptual framework section, we use three different predictor variable categories. To explore the political motivation hypotheses, we created variables describing Union Type, Transparency, and Governance Type. Governance Type was a binary variable taking the value of 1 for a strong mayor system and 0 for a council/manager form of government. For Union Type, we use dummy variables to describe whether a union was comprised of firefighters, police officers, or nonpublic safety employees. The transparency construct is based on the difficulty associated with accessing the CBA. We believe this is an appropriate measure given our theoretical framework because if a CBA is more difficult to access, it is less likely that the media, and the public by proxy, will be able to report on the existence of UBL. Our operationalization of transparency is composed of four binary variables: whether a CBA was readily available on a union or city website, whether contracts were available through login or additional Internet searching, whether contracts were available upon request, and whether contracts required an Open-Meeting or Public Records request to collect.

Table 3. Transparency Via Method of Obtaining CBA.

Method	Total (%)	Firefighters (%)	Largest nonsafety (%)	Police (%)
Public records request	3	3	3	3
General request	12	16	12	9
Secure webform	10	13	5	12
Open web resource	58	56	54	63
CBUs not allowed	18	13	26	14

Note. CBA = collective bargaining agreements; CBU = collective bargaining unit.

Table 3 provides detail on our operationalization of transparency as well as the outcome of our coding scheme. Overall, most employee groups appear to be transparent, with 58% allowing for open web resource access, and another 10% who use a secure webform. Another 12% required a general request and a small percentage (3%) required a public records request.

The resource hypothesis is tested using data gathered from municipal government Comprehensive Annual Financial Reports, as collected by the U.S. Common Sense project (U.S. Common Sense, 2016). To capture the resources available to a government, we use the 2014 Operating Ratio, which is the total revenues of a government divided by the total expenditures. This measure is constructed from audited, government-wide financial statements constructed using the accrual method of accounting (Wang, Dennis, & Tu, 2007) and has been externally validated as a strong measure of government financial condition (Stone, Singla, Comeaux, & Kirschner, 2015). Finally, our external environment measure is four dummy variables capturing the region a municipality is located in: northeast, Midwest, south, and west.

In addition to these variables, we also control for size via the city population in 2014 and political ideology at the county and state level by including the share of the 2012 presidential election going to the Democratic Party candidate, President Barack Obama. Finally, we also control for differences in state laws governing collective bargaining rights. These variables are derived from Sanes and Schmitt (2014) and capture the legality of collective bargaining and the legality of wage negotiations at the state level. We provide additional detail on all of the predictor variables in Table 4.

Method

As stated earlier, we explore two questions: (a) Which municipalities and public employee groups are offering/receiving UBL, and what specific practices are the most common? (b) What drives the variation in the presence of UBL and various UBL practices? To address the first question, we provide a robust descriptive analysis of the data gathered from the CBAs to identify patterns in the data. The second question requires a series of empirical models to test the hypotheses offered in the conceptual framework section. In this portion of our analysis, we estimate several

Table 4. Details on Predictor Variables.

Variable	Definition	Source
Region	Midwest, northeast, south, or west	U.S. Census
Government type	Strong mayor or council-manager	ICMA
Transparency	Uncoded, public records request, general request, secure webform, or open web resource	Coded during data collection
Type of employee union	Firefighters, police, or nonsafety	Coded during data collection
Operating ratio	Total revenues/total expenditures, taken from city CAFR in 2012	U.S. Common Sense
Obama county vote share	County vote share 2012 presidential election for Democratic candidate	Rogers and Cage (2012)
Obama state vote share	State-level vote share 2012 presidential election for Democratic candidate	Rogers and Cage (2012)
Population	Population of the municipality in 2014	U.S. Common Sense
Legal CBA negotiation	Whether CBAs for public sector workers are legal at the state level	Sanes and Schmitt (2014)
Legal wage negotiation	Whether wage negotiation for public sector workers is legal at the state level	Sanes and Schmitt (2014)

Note. ICMA = International City/County Management Association; CAFR = Comprehensive Annual Financial Report; CBA = collective bargaining agreements.

logistic and multinomial regressions, each estimating the effect of our predictor variables on one of the different UBL practices we identified. The three outcomes are (a) whether the employee group offers UBL; (b) if UBL is offered, whether the employee group offers more than 500 hr; and (c) if UBL is offered, whether the city, union, or both fund it.

The nature of our dependent variables prevents traditional ordinary least squares (OLS) estimation as binary dependent variables result in biased and inefficient coefficients when estimated using OLS. As a result, we estimate two models using logistic regression and a third model using multinomial logistic regression. In these models, we had two approaches for CBAs that did not exist. In Model 1, we assumed that the lack of a CBA meant no UBL; in Models 2 and 3, we omitted these cases entirely. As a robustness check for Model 1, we also omit these cases and the results are nearly identical to the full models presented in the “Results” section. Models 2 and 3 also have a smaller *N* than Model 1 as they are both estimated using cases for which there was UBL and for which we had data on the outcome of interest. In addition, we omit the two controls for state legal framework due to collinearity concerns in Models 2 and 3. This is because there is no variation in either variable for these models; CBA negotiations must be legal for UBL to exist, so the variable takes a 1 for all observations in

Table 5. Breakdown of Eligibility of Paid Leave.

Who is eligible?	Leave offered, but not paid	Paid leave offered	No leave offered	Total
Only officers	0	19	0	19
Designated representatives	0	32	0	32
Mix of officers and representatives	0	88	0	88
Everyone	0	7	0	7
Not specified	24	20	41	85
Total	24	166	41	231

Models 2 and 3. For all three models, we report odds ratios and cluster the standard errors on the cities to account for potential heteroscedasticity in the data.

Results

Descriptive Analysis

Overall, 72% of the employee groups offered UBL and 28% did not (18% had no CBAs in place). This suggests that UBL is a common practice in local government collective bargaining. Going into more detail, we see that these trends hold across employee types. Of the 77 firefighter employee groups, 57 offered UBL (paid or non-paid), 10 did not offer leave, and 10 had no CBA in place. Of the 78 police employee groups, 57 offered UBL, 10 did not offer leave, and 11 did not have a CBA. Of the 76 largest nonpublic safety employee group, 52 offered UBL, 4 did not offer leave, and 20 did not have CBAs.

In addition to exploring whether UBL was offered, we also investigated specific practices with an eye toward which were the most common. Table 5 presents which officers are eligible for leave and whether this leave is paid or nonpaid. In 166 employee groups, paid UBL is offered; in the remaining 24 employee groups for which we had CBAs, UBL is offered but not paid. Eighty-seven percent of the agreements we coded offered paid UBL.

Tables 6 and 7 present the maximum number of UBL hours employees can use annually and whether employees can roll over unused hours, respectively. In 24% of the employee groups, the maximum annual leave hours were less than 500. In 76% of the time, 500 hr or more were either allowed, the union and city jointly decided, or the contract did not specify. The majority of CBAs did not address annual rollover of unused UBL, as rollover was not allowed 5% of the time and was allowed in 18% of the CBA agreements. The remainder did not specify on whether rollover was permitted. The large percentage of CBAs that are silent on these issues may suggest the number of hours allowed and whether these hours can be rolled over are governed by “sidebar” agreements negotiated separately and not easily discoverable by the public. We explore this more in the “Discussion” section.

Table 6. Maximum Annual Leave Hours.

	Firefighter (%)	Nonsafety (%)	Police (%)	Total (%)
Less than 500 hr	11	35	28	24
More than 500 hr	39	15	28	28
Union/city jointly decide amount	42	44	39	42
Does not specify	9	6	5	7

Note. *n* = 166 CBAs that offer leave, chi-square *p* value = .039. CBA = collective bargaining agreements.

Table 7. Annual Rollover of Unused Leave Hours.

	%
No	5
Yes	14
Does not specify	80

Note. *n* = 166 CBAs that offer leave.

Finally, we explore whether individual municipalities had common practices across different employee groups. Table 8 offers a detailed view of the data, showing which CBAs from which cities offer leave. In most cases, if one CBA offered leave, the other CBAs followed suit. Table 9 offers a detailed look at who pays for leave. In most cases, the city pays for leave (59%), followed by both the city and union sharing the cost (25%). The union paid for UBL only 16% of the time.

Regression Analysis

The first model, presented in Table 10 estimates whether an employee group offers UBL. As the table shows, measures related to political motivations and the external environment had a statistically significant effect on whether UBL was offered. With respect to the political factors, the form of government, type of employee union, and transparency all had statistically significant indicators. Strong mayor systems are 6.4 times more likely to have employee groups offering UBL than council-manager systems are. In addition, less transparent processes like requiring a public records request to produce a CBA was associated with a reduced likelihood of the availability of UBL. Finally, both firefighter and police unions were less likely to offer UBL than nonsafety unions are. Resources and the controls for political ideology and population were statistically insignificant, while the control for legality of wage negotiations was significantly associated with the presence of UBL.

The second model, presented in Table 11, evaluates the factors associated with allowing more than 500 hr leave. Political factors were again among the statistically significant relationships. In this case, less transparent practices like shielding a CBA

Table 8. Cities That Offer Leave by Department.

City	Firefighters	Nonsafety	Police
Albuquerque	X	X	X
Anaheim	X	X	X
Anchorage	X	X	X
Arlington			
Atlanta			
Aurora	X		X
Austin			X
Bakersfield		X	
Baltimore	X	X	X
Boston		X	
Buffalo		X	
Charlotte			
Chicago	X	X	X
Chula Vista			
Cincinnati	X	X	X
Cleveland	X	X	X
Colorado Springs			
Columbus	X	X	X
Corpus Christi	X		X
Dallas	X		X
Denver	X		X
Detroit	X	X	X
El Paso	X		X
Fort Wayne	X		X
Fort Worth	X		X
Fresno	X	X	X
Greensboro			
Henderson	X	X	X
Honolulu	X	X	
Houston	X	X	X
Indianapolis	X	X	X
Jacksonville	X	X	X
Jersey City	X	X	X
Kansas City	X	X	
Las Vegas	X	X	X
Lexington	X	X	X
Lincoln	X	X	X
Long Beach	X	X	X
Los Angeles	X		X
Louisville	X	X	X
Memphis	X	X	X
Mesa	X		X

(continued)

Table 8. (continued)

City	Firefighters	Nonsafety	Police
Miami	X	X	X
Milwaukee	X	X	X
Minneapolis	X	X	X
Nashville			
New Orleans	X		
New York City			X
Newark	X	X	X
Oakland	X	X	X
Oklahoma City		X	
Omaha	X	X	
Orlando	X	X	X
Philadelphia			
Phoenix	X	X	X
Pittsburgh		X	X
Plano			
Portland	X	X	X
Raleigh			
Riverside	X	X	X
Sacramento	X	X	X
Saint Paul	X	X	X
San Antonio	X		X
San Diego	X	X	X
San Francisco	X	X	X
San Jose		X	
Santa Ana	X	X	X
Seattle	X	X	X
St. Louis			X
Stockton	X	X	X
Tampa	X	X	X
Toledo	X	X	X
Tucson	X	X	X
Tulsa	X	X	X
Virginia Beach			
Washington, D.C.	X	X	X
Wichita	X	X	X

behind a webform were more likely to be associated with large amounts of UBL relative to more transparent practices. In addition, firefighter unions were 9.9 times as likely as nonsafety unions to receive UBL exceeding 500 hr. Resources, external factors, and political ideology were all statistically insignificant.

The final model in Table 12 estimates the effects on who funds the UBL. In the table, we present the results of only city funding and only union funding, both relative

Table 9. Who Pays for Leave.

	Firefighters			Nonsafety			Police		
	Both	City	Union	Both	City	Union	Both	City	Union
Albuquerque			X		X				X
Anaheim	X			X					X
Anchorage			X	X				X	
Austin								X	
Bakersfield				X					
Baltimore		X		X			X		
Boston					X				
Buffalo					X				
Chicago	X						X		
Cincinnati		X					X		
Cleveland		X			X			X	
Columbus	X				X		X		
Corpus Christi	X						X		
Dallas		X						X	
Denver		X							
Detroit		X				X		X	
El Paso			X						
Fort Worth		X						X	
Fresno		X				X			X
Henderson		X			X			X	
Honolulu		X							
Houston						X			X
Indianapolis	X				X			X	
Jacksonville	X				X			X	
Jersey City		X			X			X	
Kansas City		X			X				
Las Vegas		X			X			X	
Lexington			X			X			X
Lincoln		X			X			X	
Long Beach		X		X			X		
Los Angeles			X						
Louisville		X			X			X	
Memphis		X			X				
Miami		X			X			X	
Milwaukee	X			X					X
Minneapolis		X			X				X
New York City							X		
Newark					X				
Oakland		X			X			X	
Oklahoma City					X				

(continued)

Table 9. (continued)

	Firefighters			Nonsafety			Police		
	Both	City	Union	Both	City	Union	Both	City	Union
Omaha				X					
Orlando			X		X				
Phoenix						X		X	
Portland	X				X		X		
Riverside							X		
Sacramento		X			X		X		
Saint Paul		X			X		X		
San Antonio			X						
San Diego								X	
San Francisco							X		
San Jose					X				
Santa Ana			X	X					X
Seattle			X		X		X		
St. Louis								X	
Stockton	X				X			X	
Tampa		X			X			X	
Toledo		X			X			X	
Tucson		X			X		X		
Tulsa		X			X			X	
Wichita	X						X		

to joint-city-and-union funding. In the first case, we see that city-only funding is driven by the external environment and political factors. Specifically, the northeast region is 3.7 times more likely to fund UBL fully at the city level than the south region is. In addition, reduced transparency was associated with an increased likelihood that the city would fully pay for UBL. For Union-only funding, the converse holds, as low transparency reduced the likelihood that the union would pay for UBL on its own.

Discussion

Reflecting on the official time or UBL practices revealed by our descriptive analysis, several results stand out as the most substantive. First, UBL practices appear to be quite prevalent among large municipalities with 72% offering such leave. Public safety unions such as firefighters and police, 74% and 73%, respectively, were able to access official time leave slightly more than nonpublic safety unions (68%). When CBAs were in effect, UBL is most often paid (87%) versus unpaid and the city most often is responsible for financing the leave (59%) in its entirety or through cost-sharing arrangements (25%). The union was solely responsible for covering these costs only 16% of the time. Second, among jurisdictions that offered UBL, practices appear to be

Table 10. Multiple Logistic Regression Predicting Departmental Offering Leave.

Covariate	Odds ratios	SE
Region		
Midwest	0.327	0.394
Northeast	0.004***	0.004
South	Reference category	
West	0.373	0.490
Government type		
Strong mayor	6.359***	5.729
Council-manager	Reference category	
Transparency		
Uncoded	1.16e – 16***	1.90e – 16
Public records request	0.027***	0.038
General request	1.904	1.887
Secure webform	1.013	0.989
Open web resource	Reference category	
Type of employee union		
Firefighters	0.242**	0.145
Police	0.257*	0.200
Nonsafety	Reference category	
Resources		
Operating ratio	0.389	1.448
Political ideology		
Obama county vote share	0.996	0.054
Obama state vote share	1.005	0.028
State legal framework		
Legal collective bargaining	0.231	0.377
Legal wage negotiations	2.90e – 06***	3.62e – 06
Log (population)	0.824	0.334
Constant	2.05e + 09	1.40e + 10

Note. *n* = 225, standard errors clustered on 75 cities.

p* < .1. *p* < .05. ****p* < .01.

quite generous. Over 70% of the CBAs either allowed the maximum annual leave to exceed 500 hr or the union and city jointly agreed upon the arrangements. Furthermore, only 5% of the agreements surveyed prohibited annual rollover of unused leave hours. The implementation of UBL at the local level can lead to significant costs for local governments, which are still attempting to balance their budgets and recover from the Great Recession. Undoubtedly, focus will turn to cost drivers such as city-paid UBL practices as cities continue to respond to rising expenditures such as unfunded pension liabilities and escalating health care costs.

Third, UBL practices seem to be crafted in a manner that hinders public transparency. While most CBAs were able to be accessed via an open web resource or secure

Table II. Multiple Logistic Regression Predicting UBL > 500 Hr.

Covariate	Odds ratios	SE
Region		
Midwest	0.804	0.629
West		Reference category
South	2.492	2.439
Government type		
Strong mayor	1.631	3.987
Council-manager		Reference category
Transparency		
General request	0.208	1.737
Secure webform	1.521*	6.951
Public records request	0.208	3.989
Open web resource		Reference category
Type of employee union		
Firefighters	9.942***	7.655
Police	2.719	1.765
Nonsafety		Reference category
Resources		
Operating ratio	2.472	9.735
Political ideology		
Obama county vote share	1.032	0.037
Obama state vote share	0.966	0.034
Log (population)	2.389**	0.920
Constant	1.82e-06*	1.40e-12

Note. $n = 86$, standard errors clustered on 48 cities. UBL = union business leave.

* $p < .1$. ** $p < .05$. *** $p < .01$.

webform, UBL practices embedded in the contracts were unclear. Over 50% of the agreements outlining the allowable maximum annual leave and 80% specifying whether unused leave hours can be rolled over annually were either silent or were left to separate negotiations between the union and city. Likewise, those eligible for paid UBL were more often silent or not specified in the CBA. Though it is possible that these details are not formally included in any agreement, the existence of side agreements or sidebar agreements in collective bargaining suggests an alternate scenario. Sidebar agreements are utilized by parties to the contract when there is a need to reach agreement on issues that are not covered, when there is a need to clarify issues, or to modify the CBA. Under the law of contracts, a side letter has the same force as the CBA (Cassel, 2010; Summers, 1969). These side letters are not found on any website or easily obtained and can serve as a way to avoid oversight and accountability. Indeed, texts on negotiating labor contracts often refer to sidebar agreements as a means to avoid extra scrutiny. Cassel (2010) wrote that a sidebar agreement might reflect the “Desire of one or both parties to shield the agreement from the

Table 12. Multiple Multinomial Regression Predicting Funding of Leave.

Covariate	City vs. both city and union		Union vs. both city and union	
	Rate ratio	SE	Rate ratio	SE
Region				
Midwest	-0.536	0.844	-0.366	1.131
Northeast	3.694**	1.805	-10.640***	2.540
West	0.454	1.270	1.181	1.275
South	Reference		Reference	
Government type				
Strong mayor	1.071	0.697	1.482	0.940
Council-manager	Reference		Reference	
Transparency				
General request	0.722	1.116	-0.950	1.531
Secure webform	1.951***	0.755	-16.526***	1.643
Open web resource	Reference		Reference	
Public records request	18.123***	1.223	23.127	.
Type of employee union				
Firefighters	-0.184	0.628	0.961	0.961
Police	-0.690	0.573	0.237	0.237
Nonsafety	Reference		Reference	
Resources				
Operating ratio	-0.140	2.452	6.249	5.997
Political ideology				
Obama state vote share	-0.114*	0.066	-0.031	0.634
Obama county vote share	0.004	0.254	-0.074*	0.382
Population	-1.11e - 06**	4.42e - 07	1.58e - 06**	7.16e - 07
Constant	6.756*	3.856	-4.126	7.701

Note. *n* = 129, standard errors clustered on 58 cities.

p* < .1. *p* < .05. ****p* < .01.

wider exposure it might receive if included in the collective bargaining agreement, and thereby to attempt to keep the agreement from spreading to other locations” (p. 365). This explanation is particularly compelling given the results of our empirical analysis.

In our parametric analysis, we see fairly consistently that UBL outcomes in the form of whether it is offered, how much is available, and who pays, are most commonly driven by political issues. Table 13 shows that in each of the models, at least one of the political motivation hypotheses was supported. On the other hand, there was no evidence that the resources of the city had an effect on UBL practices and only limited evidence that external factors at the regional level were relevant. In the case of resources, it is possible that our null findings arise because UBL serves as a concession to unions in exchange for reductions to wages, pensions, or other postemployment

Table 13. Support for Hypotheses.

Hypothesis	UBL offered	UBL > 500 hr	City or union pays
Political motivation			
H1: Public employee groups that are categorized as public safety receive more generous UBL than do employee groups that are considered nonsafety.	Not supported	Mixed	Not supported
H2: Municipalities that are ranked low in transparency will be more likely offer more generous UBL relative to those that are ranked high in transparency.	Not supported	Supported	Supported
H3: Municipalities that have a strong mayoral government will have a higher chance of offering more generous UBL.	Supported	Not supported	Not supported
Resources			
H4: Municipalities with stronger financial condition will be more likely to offer more generous UBL.	Not supported	Not supported	Not supported
External environment			
H5: Municipalities in the southern region will be likely to offer generous UBL compared with the northeast, Midwest, and western regions.	Mixed	Not supported	Mixed

Note. UBL = union business leave.

benefits. Constrained municipalities, then, may view UBL as a means to achieve greater cost savings in other aspects of the CBA negotiation.

With respect to the political motivation hypotheses, we suggested that certain employee groups would be able to leverage political capital to secure more generous UBL, that public officials may be more likely to bend on UBL if they are able to hide the costs from the public via reduced transparency, and that the more professional form of government—council-manager—would be less likely to capitulate to union demands for more generous UBL. We find mixed support for these hypotheses individually. Increased transparency, for instance, is not associated with whether UBL is offered, but it is associated with the generosity of the coverage (i.e., less transparent governments were more likely to offer more generous UBL conditional on them offering UBL at all). In addition, firefighter employee groups were less likely than police or the nonpublic safety employee group to have UBL; however, firefighters were more likely to have more generous annual leave allotments than police or nonpublic safety

employee groups. Finally, cities with strong mayor governance structures were more likely to offer UBL than their council-manager counterparts, but this did not result in more generous UBL practices. Perhaps more interestingly, political ideology at the state and county level had no effect in any of the models. These dynamics—that is, the political factors associated with UBL negotiations—are clearly worthy of additional research.

A traditional justification for UBL has been that the presence of union officials in the workplace via UBL can offset more costly litigation in negotiating grievances. However, the findings from this exploratory study warrant attention of human resource professionals and other stakeholders responsible for governing and executing agreements for UBL practices at the local government level. First, for those cities that operate in states that allow fair-share or agency fees, the need for UBL should be evaluated. In these states, representing nonpaying members is less of an issue. In addition, when all employees are required to pay union dues to sustain union activities, the larger question of why paid UBL should be offered needs to be more fully vetted. Second, additional justification needs to be established as to who is responsible for paying for the leave, and if so, under what circumstances. In this survey, the municipality was more often than not the entity assuming these costs. In fact, the union was only solely responsible 16% of the time.

Third, transparency practices governing UBL need further examination. CBAs were mostly silent on key components such as the maximum annual allowable hours and whether unused hours could roll over. Side agreements appear to govern a good deal of UBL practices and these agreements are not easily discoverable by the public. While most CBAs were obtained via Internet searches, none of the sidebar agreements were included on the Internet. Furthermore, whereas CBAs are required to be approved by both union membership and the city council, side agreements are not. These practices go against traditional norms of good government, wherein transparency is thought to be an important component of public administration. From this perspective, side agreements for UBL should be publicly discussed at a city council meeting and the conditions agreed upon should be part of the CBA and available on the city and union website. However, it is critical to note that simply being more transparent will not necessarily lead to different or improved outcomes. Public managers may view offering UBL—either in a CBA or in a sidebar agreement—as a means to induce greater concessions in other aspects of a CBA negotiation. However, if these concessions are plainly visible, managers may be less likely to offer them, in effect reducing the levers public managers can pull in negotiation. Undoubtedly, these tradeoffs are an important area of future research.

Conclusion

Official time or UBL is widely practiced at the federal, state, and local levels. The CSRA of 1978 authorized official time for federal employees for certain activities. State and local implementation of UBL varies greatly and little inquiry has been done to determine how these practices are implemented. In this national study of large

municipalities, paid UBL is quite prevalent. Furthermore, the city is most often responsible for assuming all or part of these costs, which is particularly interesting given that many CBAs are not readily available and that substantive details related to UBL may be embedded in sidebar agreements. Costs associated with these practices can be significant and can have a negative impact on city budgets, especially at times when budgets are tight and scrutiny is high.

It is important to consider limitations of this study, as no research design is above reproach. First, the study focused on larger municipalities. The extent that smaller cities or local governments have similar or different experiences and practices is unclear. Second, UBL practices were reviewed by examining CBAs. When CBAs were not found, we assumed that UBL practices were not in existence. This may not always be the case. It is possible that some other type of official time was given to public employees to work on employee issues. Further research is needed into other UBL practices, such as reporting requirements and the total costs associated with offering paid and unpaid UBL. It is not clear from reviewing the CBA agreements what the total costs cover. For example, do the costs of UBL cover the cost of the person filling in for the person on UBL? Finally, this study does not address the efficacy of UBL as a labor-management smoothing technique. Do these practices result in cost savings, or are they simply nontransparent transfers to union employees? Undoubtedly, more research is needed in these areas. Despite these limitations, this article offers important insight into the previously unknown patterns of UBL practices at the local level.

UBL will continue to be a fixture of federal, state, and local government practices. It is our hope that this study will raise awareness of UBL practices at the local government level, inspire additional research, and serve as a tool for human service professionals and others engaged in implementing and governing UBL.

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