

## Job Tenure and Union Elections: Non-voting Union Membership in the Private Sector, 1964 to 2009

J. Justin Wilson  
Managing Director  
Center for Union Facts

*Abstract: The number of employees organized into a union each year has seen a steady decline since its high in 1967. The majority of unionized employers were organized in the 1940s, 50s, and 60s. Because union collective bargaining units are assigned to an employer rather than a specific group of employees, a significant number of employees who originally voted in favor of the union have retired, changed jobs, or otherwise left the workforce.*

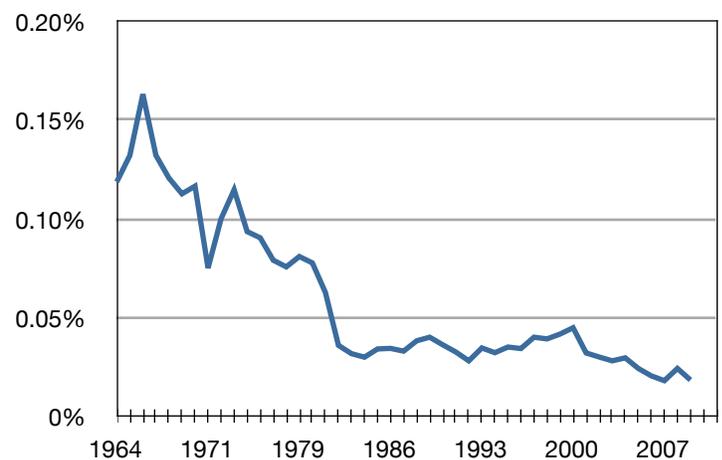
*Utilizing data from the National Labor Relations Board reports on the annual number of employees who voted in favor of creating or maintaining a union, as well as job tenure data from the Current Population Survey, we estimate that 7.36% of currently unionized employees voted in favor of the union that represents them.*

### Background

The majority of unionized employers in the United States were organized in the 1940s, 1950s, and 1960s. According to available data from the National Labor Relations Board (NLRB) annual reports, 1966 marked the peak of union organizing in the United States, with more than 209,015 employees voting to join a union in an NLRB-authorized election. Since then, union organizing has seen a precipitous decline (See Figure 1).

The National Labor Relations Act (NLRA), which governs nearly all private sector employees, assigns a collective bargaining unit to a defined group of employees within a unionized employer. The unit is not defined as a specific group of employees, thus the definition of the collective bargaining unit carries

**Figure 1: Percentage of Workforce Organized Annually**



Source: National Labor Relations Board Annual Reports and Current Population Survey.  
Data available upon request.

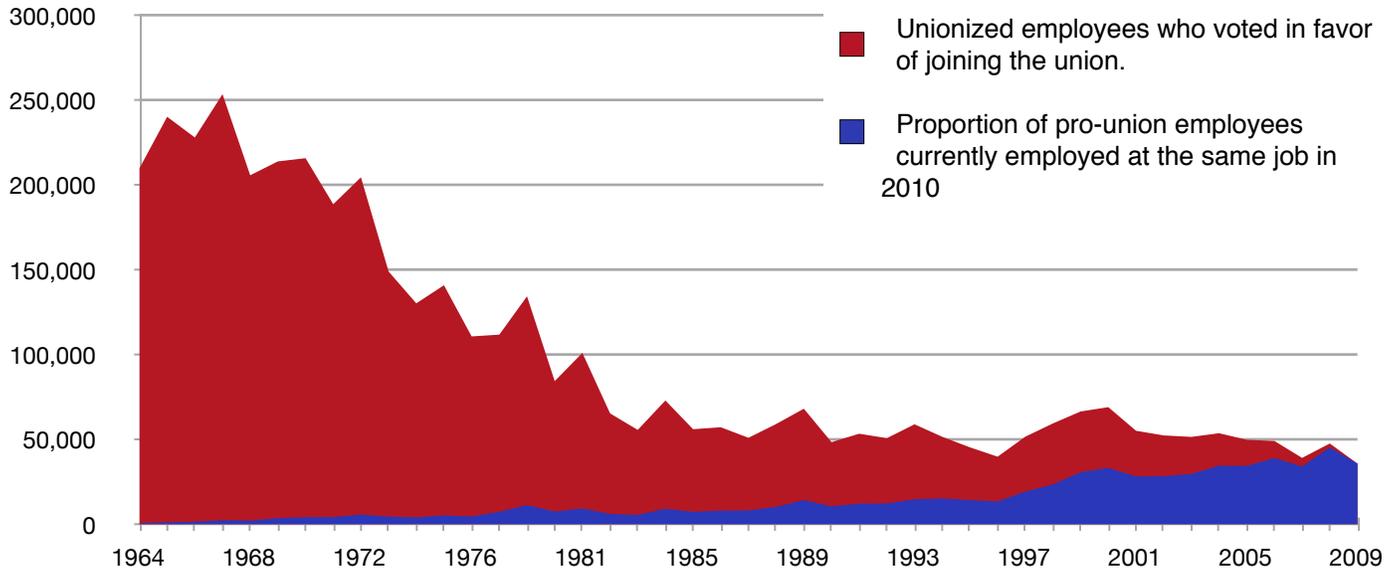
forward as employees turn over within a company. As a result, new employees effectively inherit the union from their predecessors. There are no provisions within the NLRA or other labor laws that provide for new employees to cast a vote affirming their interest in union membership.

The Bureau of Labor Statistics reports that in 2010, the average job tenure of employees in the United States was 4.4 years across all age and demographic groups.<sup>1</sup> The BLS report indicates that public sector employees had a substantially longer job tenure, averaging 7.7 years.

The NLRA does contain provisions to allow employees to remove a union through a process

<sup>1</sup> Employee Tenure in 2010, Bureau of Labor Statistic, Sept. 14, 2010. (<http://www.bls.gov/news.release/tenure.nr0.htm>)

**Figure 2: Distribution of pro-unions votes in elections won by unions**



Source: National Labor Relations Board Annual reports 1964-2009; Current Population Survey.

known as a decertification. To do so, employees must collect signatures representing a minimum of 30 percent of the collective bargaining unit without the assistance of the employer. In 2009, the NLRB data indicates that just 26.8 percent of decertification attempts were successful.<sup>2</sup> Additional evidence from the NLRB indicates that unions oppose decertification campaigns by filing on Unfair Labor Practice charges to block employees from voting. In fact, data from the NLRB indicates that unions file blocking charges nearly three times more often during decertification attempts than during certification elections.

### Research

Each year the National Labor Relations Board tabulates the number of employees who voted in favor of joining or maintaining their membership in a union as well as the proportion of votes cast where the union succeeded in certifying the collective bargaining

unit.<sup>3</sup> We examined the NLRB's annual reports from 1964 to 2009 and determined that 4.4 million employees voted in favor of joining or maintaining union representation in elections where the union succeeded.<sup>4</sup>

The majority of pro-union votes occurred prior to 1974. As a result, a significant proportion of employees who voted in favor of joining or maintaining membership in a union have subsequently retired, changed jobs, or dropped out of the workforce (see Figure 2). This includes employees who voted in Representation Certification elections (RC), Representation Decertification elections (RD), and Employer-Petitioned Elections (RM).

For each year of election data reported by the NLRB, we utilized job tenure data for unionized, private sector employees to determine the proportion of employees employed that year that remain employed

<sup>2</sup> Data from National Labor Relations Board 2009 Annual Report. The NLRB reports closing 593 RD petitions (Table 1B), of which 159 resulted in no representative being chosen (Table 13).

<sup>3</sup> National Labor Relations Board Annual Reports; Table 14; Valid Votes Cast in Representation Elections; All Representations Elections; Valid Votes cast in elections won; Votes for unions: Total.

<sup>4</sup> We limited the look-back period to 1964 because the percentage of employees whose job tenure extended beyond that was effectively zero.

in the same job in 2010.<sup>5</sup> Because the overall number of unionized employees has declined since 1964, it was necessary to control for proportion of the workforce in a given year that remained employed in 2010. Furthermore, because the NLRA does not have jurisdiction over railroad and airline employees, we further controlled for the size of the unionized workforce by excluding unionized railroad and airline employees.

The data indicates that 495,111 currently employed, private-sector, unionized employees covered by the NLRA voted in favor of their current union. As a percentage of the total unionized workforce<sup>6</sup>, that represents 7.36 percent (See Table 1).

Two factors serve to bias the results in favor of increasing the proportion of employees who voted in favor of the union that represents them. First, 1.09 percent of the pro-union votes stem from

decertification elections. Some employees' votes could be counted twice; once during the initial certification election and then a second time in the decertification. Second, because the data does not track specific employees, employees who voted in multiple union certification elections will be counted as different employees. Both circumstances are relatively rare, and thus, do little to alter the findings.

## Discussion

As a result of unions' diminished organizing capacity, the vast majority of employees who initially voted to organize a union are no longer in the workforce. Because labor laws do not require unions to recertify their status as the exclusive collective bargaining agent of a unit of employees, fewer than 10 percent of union members voted in favor of the union that represents them.

**Table 1: Proportion of pro-union votes currently employed following elections won by unions controlling for job tenure**

Year	Votes Cast in Elections Won by Union	Proportion Of Pro-Union Votes Employed in 2010	Year	Votes Cast in Elections Won by Union	Proportion Of Pro-Union Votes Employed in 2010
1964	209,776	91	1988	59,034	6,229
1965	240,072	291	1989	68,047	7,899
1966	227,883	441	1990	48,339	6,986
1967	253,381	635	1991	53,313	8,292
1968	205,612	753	1992	50,684	8,386
1969	213,784	852	1993	58,857	10,491
1970	215,683	1,385	1994	51,492	9,439
1971	188,566	1,380	1995	45,277	10,030
1972	204,404	1,758	1996	39,770	9,419
1973	148,880	1,942	1997	51,554	13,109
1974	130,137	1,894	1998	59,373	16,846
1975	140,807	2,349	1999	66,424	19,746
1976	110,650	2,109	2000	68,962	24,653
1977	37,250	759	2001	55,053	20,560
1978	111,703	2,897	2002	52,306	21,893
1979	134,293	4,108	2003	51,434	23,288
1980	84,317	3,497	2004	53,605	26,667
1981	100,945	4,514	2005	49,725	27,478
1982	65,295	3,277	2006	49,042	30,084
1983	55,551	3,046	2007	39,058	27,112
1984	72,899	4,384	2008	47,555	35,522
1985	55,975	4,407	2009	35,695	32,418
1986	57,123	4,727	2010	42,421	42,421
1986	50,897	4,650			
			<b>Total</b>	4,512,903	495,112

<sup>5</sup> Job tenure data was obtained from the January 2010 Tenure Supplement of the Census Bureau's Current Population Survey (CPS). We assume in our analysis that tenure is normally distributed.

<sup>6</sup> The Bureau of Labor Statistics reports the total number of private sector union members in 2010 at 7,092,000 (<http://www.bls.gov/news.release/union2.t03.htm>).