

Why the Collective Bargaining Substitute Must Be Rejected

Following the General Assembly's passage of HB1263/SB378, a substitute has been proposed that fundamentally reshapes the implementation of collective bargaining in Virginia. When the General Assembly reconvenes on April 22nd, lawmakers will have a critical choice. While we appreciate the ongoing dialogue regarding this legislation, the current substitute text contains structural flaws that undermine the stability and durability of the framework originally passed by both chambers.

Our Core Ask: We ask lawmakers to reject the substitute for HB1263/SB378. Under Virginia's legislative process, if either the House or the Senate rejects the substitute, it fails and the bill returns to the Governor in its original Enrolled form. Rejection is the only path to ensure the Governor receives the durable, statutory product the General Assembly intended - a bill she can then sign to protect Virginia's workers for the long term.

Main Argument: Protecting Against Future Rollbacks

The "Regulatory Kill Switch" for Future Administrations: The most dangerous flaw in the substitute text is the move from statutory protections to a regulatory-heavy framework. **By shifting the power to determine if collective bargaining is mandatory or permissive out of the Code of Virginia and into the hands of the Public Employee Relations Board (PERB), the substitute creates a "Kill Switch" for future administrations.** Under this substitute, a Governor unfriendly to collective bargaining would not need a single vote from the General Assembly to halt the process. They could simply appoint a new Board to rewrite the regulations, effectively stopping collective bargaining in its tracks across the Commonwealth. To ensure this right is permanent, it must remain grounded in state code.

Unjustified 2030 Delay for Local Workers: The substitute creates a two-tiered workforce by **delaying collective bargaining for local governments and school divisions until January 1, 2030.** This is unfair to public school employees. There is no policy rationale for forcing K-12 teachers and staff, the backbone of our public sector, to wait an additional 1.5 years compared to state employees. This delay ignores the work already done in many localities and creates a decade of transition rather than a clear, statewide standard.

Enforcement Without Accountability: The substitute changes the dispute resolution process from binding to advisory. If an employer can simply ignore an arbitrator's award and walk away, there is no accountability for violations of a collective bargaining agreement. **In other words, when a dispute arises, the employer still holds basically all of the power.**

Loss of Continuity and Contract Stability: The substitute makes the "evergreen" status of contracts permissive rather than mandatory. Without mandatory continuation of terms, an employer can strip away health benefits or pay protections the moment a contract expires to force a bad deal. **This forces unions to "claw back" previous gains every time they negotiate, rather than building for the future.**

Conclusion: To protect the voice of Virginia's public employees and ensure that these rights cannot be dismantled by future administrations, the General Assembly must reject the substitute on April 22nd and return to the durable framework of the Enrolled Bill back to the governor to sign.