T

We have just seen that, whether considering the official unemployment rate or such broader measures as underemployment and the employment-population ratio, the labor markets here

large pay premium after graduation, the size of that wage advantage has declined, not risen, since the pre-recession years. This finding runs counter to the SBTC explanation and suggests that other factors than just training and technology must lie behind recent earnings trends.

With national and local unemployment rates and related employment measures at historic lows and with skill-shortage claims inadequate, traditional market-driven forces appear unsuited to explain today's feeble earnings growth. So, economists have had to look for other explanations, many of which highlight an historic shift in power to corporate boardrooms.

A growing number of economic studies has documented another potentially important source of pay paralysis: the rise of concentrated corporate power in product markets (monopolies) and labor markets (monopsonies). If more and more workers are trapped in an uncompetitive "rigged labor market," effectively controlled by a

wage and led “right-to-work” efforts to gut unions’ ability to collect fair-share fees from the nonunion workers they represent. They have a new ally on the increasingly pro-employer, anti-labor Supreme Court. Its recent Janus ruling threatens funding for all public sector unions. And Brett Kavanaugh, its newest member, has long held an expansive view of employer rights to suppress union organizing.

Finally, pay paralysis is clearly correlated with the decline of union membership and bargaining clout of recent decades. Workers with union representation average a sizable union advantage in wages and benefits over nonunion jobs, so deunionization is an obvious explanatory factor in wage stagnation.[10] The New York Metropolitan Area can be viewed as a special test case, for it is the most highly unionized metro region in the country. In New York City and Long Island, nearly one in four workers is a union member – over twice the national rate.[11] How has the pay of workers with union

their own individual grievance disciplinary investigations and grievance-arbitration procedures. Rather, the non-members were given the right to secure their own advocate to represent them; and the Union was not obligated to pay the cost for their outside representation. The hope is that this will cure the "free rider" concern wherein employees forego paying dues yet still expect the union to represent them in grievance disciplinary proceedings.

The statute also requires the public employer to provide notice of new hires to the Union and their contact information within 30 days of hire. It also grants union representatives access to hold a union orientation meeting with these employees within the same 30 -day period. Further, electronic union membership cards authorizing payroll deductions for dues will now be accepted by public employers within New York State.

It is possible that this legislation will be contested in court since it was signed into law before Janus issued. But if it does, the statute also contains a savings clause. Under the saving clause, if any portion of the statute is declared unconstitutional or otherwise found illegal by the court, the remainder of the law will continue to apply. However, notwithstanding such an appeal, the amendment by New York Sttt7.36 T02 (ut)-1(n)-22 (i)12..141 Ne29.6 6d(a)-13.4 (s2(e)-8.1 (d w 10 0 0 -17.7 (7.36.3 (y)0.6 y3.7 (p)y861-19.2 34-15.8 (mf (m2-28.8 (141 N)9i)12-2.3 (s))1.1 (c)-7.1 (e i)9.9 (t)-10 ((o)-1.4 (n)-13. (p)13.1 (l)12.1 ( )0.5(t)-7.7 (d b6-19.2 (i)9.9 (t)-15.8 (h)-22 (.8 (h)-1.8 (e s)-4.)]T

[24] Joseph Gross and Adam Primm, All Unions Likely To Feel The Impact of Janus v. AFSCME (July 11, 2018) https://www.law360.com/articles/1062218/print?section=appellate

[25] These efforts resulted during Barack Obamas' presidency in Republican controlled State Legislatures including Indiana, Kentucky, Michigan, Wisconsin and West Virginia passing right to work laws outlawing compelled union agency shop agreements. But the voters in Missouri struck back! On August 7, 2018 the Missouri voters by a public referendum defeated the right to work measure that had been passed in 2017. Jeff Stein, "Missouri voters defeat GOP-backed "right to work law, in victory for unions, Associated Press projects," Washington Post (8/07/18).

[26] The Daily podcast "Justice Kennedy's Last Decision" by Michael Barbaro (6/29/2018): www.NYTimes.com.

[27] Supra fn.14.

[28] Id.

[29] Interview with Nora Higgins by author on September 6, 2018.

[30] Interview with Nicholas J. LaMorte by author on September 7, 2018.

[31] N.Y. Civil Service Law, Section 208 (Civ. Serv. Law), amended April 12, 2018.

[32] Janus at 2468.

[33] Supra at fn. 9.

percentage points. In meatpacking, a tough occupation where retention is at least as challenging as in hotels, the differential in the firm for which we have internal data was 15 percentage points—annual turnover was 25 percent for refugees and 40 percent overall *(f)*.

October 2018 marked the 19th month of a bitter strike against cable giant Spectrum NY (a subsidiary of Charter Communications) by 1,800 tech employees.

Many observers, economists included, agree that our post-WWII economy was early characterized by the dominance of powerful firms and stable markets. This era has been referred to as a Fordist regime that was based on mass production/mass consumption and pursued stability over risk taking. Dominant firms engaged in long-term pricing and contract agreements. Job stability was a defining feature of this market. Lifetime employment created a relatively high number of middle-income jobs and the overall income gap between the rich and the working class fell somewhat. We may of course immediately add that this was not exactly a golden age, particularly because the beneficiaries of this system were predominantly white male workers.

During the 1970s and ‘80s, a post-Fordist regime began to dismantle the old economic structure. A new economy emerged which has proudly promoted flexibility. Some have in fact referred to this new institutional arrangement as flexible accumulation. Another defining feature of this new era has been the “end of loyalty”: some workers may be changing jobs and even careers voluntarily and many are being forcibly displaced by employers. Workers are free to go and companies are free to let them go. A rather sizable and growing segment of the labor force is now contingent. More importantly many of these workers are no longer officially considered employees. They are rather categorized con35(7(5y7(o)-1((g m)-9(r)D 3683 Þ)-2(e)4(y a)-21(r)-7(e r)-15(DC 0.104 Tw T[(c)-)]TJEMC /Sp)-2(s n)1(o)20(wd)-5)-21(r)-(r)D ar hf the wos1(n)1(d e)5(v3-21ID 3695 ÞBDC 0.1)-3(og)1q1ntrintisfeord 9(e a)-9(c)-7(21A)-32(n)1(o)3(t)-16(h

2018 RELEASE DATE	NATIONAL			REGIONAL	
	U.S. Employment & Unemployment	Job Openings & Turnover	Real Earnings	NYC/LI Metro Jobs Count	NYC/LI Metro Unemployment
AUGUST	3	17	10	16	21
SEPTEMBER	7	11	13	20	25
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