

Codebook for Workers' Rights Preemption in the US South Project

August 2023 version

State preemption prohibits local governments from enacting laws by limiting local or restricting local authority. This longitudinal dataset captures proposed workers' rights preemption bills that expressly limit or restrict lawmaking authority of local governments in the following domains: paid leave, fair scheduling, minimum wage, project labor agreements, and prevailing wage. between January 1, 2009, to December 31, 2019. The jurisdictions selected for measurement are Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. These states preempt workers' rights more than other states in the country¹ but there is still a significant level of variation within them. They also share a unique political history and identity that shapes their contemporary politics.

Jurisdiction: This is the name of the state

Effective date: This is the calendar year that the bill was introduced in the legislature.

Question 1	In which domain, if any, does the state preempt local government?
Question Type	Categorical – check all that apply
Variable Name 1(a)	preempt_any_paid leave
Variable Values	0,1
Value Labels	0 = No 1 = Yes
Variable Name 1(b)	preempt_any_minimum wage
Variable Values	0,1
Value Labels	0 = No 1 = Yes
Variable name 1(c)	preempt_any_prevaling wage
Variable Values	0,1
Value Labels	0 = No

¹ Blair, H., Cooper, D., Wolfe, J., & Worker, J. (2020). Preempting progress: State interference in local policymaking prevents people of color, women, and low-income workers from making ends meet in the South.

	1 = Yes
Variable Name 1(d)	preempt_any_project labor agreement
Variable Values	0,1
Value Labels	0 = No 1 = Yes
Variable name 1(e)	preempt_any_fair scheduling
Variable Values	0,1
Value Labels	0 = No 1 = Yes
Question 2	Has a minimum wage preemption bill been introduced in the jurisdiction?
Question type	Binary; mutually exclusive
Variable name 2	min_wage
Variable Values	0,1
Value Labels	0 = No 1 = Yes
Question 2.1	What bills preempt minimum wage?
Question type	Open answer
Variable name 2.1	bill_number_mw
Variable Values	Text
Question 3	Has a paid leave preemption bill been introduced in the jurisdiction?
Question type	Binary; mutually exclusive
Variable Name 3	paid_leave
Variable Values	0,1

Value Labels	0 = No 1 = Yes
Question 3.1	What bills preempt paid leave?
Question type	Open answer
Variable name 3.1	bill_number_pd
Variable values	Text
Question 4	Has a fair scheduling preemption bill been introduced in the jurisdiction?
Question type	Binary; mutually exclusive
Variable name 4	fair
Variable Values	0,1
Value Labels	0 = No 1 = Yes
Question 4.1	What bills preempt fair scheduling?
Question type	Open answer
Variable name	bill_number_fair
Variable values	Text
Question 5	Has a prevailing wage preemption bill been introduced in the jurisdiction?
Question type	Binary; mutually exclusive
Variable name 5	pre_wage
Variable Values	0,1
Value Labels	0 = No 1 = Yes
Question 5.1	What bills preempt prevailing wage?

Question type	Open answer
Variable name 5.1	bill_number_pw
Variable values	Text
Question 6	Has a project labor agreement preemption bill been introduced in the jurisdiction?
Question type	Binary; mutually exclusive
Variable name 6	pla
Variable Values	0,1
Value Labels	0 = No 1 = Yes
Question 6.1	What bills preempt project labor agreements?
Question type	Open answer
Variable name 6.1	bill_number_pla
Variable values	Text

Research Protocol for Workers' Rights Preemption in the US South Project

- I. **Date of Protocol:** September 2022
- II. **Scope:** Compiled state-level bills that expressly limit or restrict the lawmaking authority of local governments in the following domains:
 - a. Paid leave
 - b. Fair scheduling
 - c. Minimum wage
 - d. Prevailing wage
 - e. Project labor agreements

State preemption prohibits local governments from enacting laws by limiting local or restricting local authority. This longitudinal dataset captures proposed workers' rights preemption bills between January 1, 2009, to December 31, 2019. The jurisdictions selected for measurement are Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. These states preempt workers' rights more than other states in the country¹ but there is still a significant level of variation within them. They also share a unique political history and identity that shapes their contemporary politics.

III. Primary Data Collection

- a. Project dates: July 2022 – August 2023
- b. Dates covered in the dataset: This dataset is longitudinal dataset that covers state bills that had been introduced between January 1, 2009 to December 31, 2019. The effective date listed for each record reflects the date the bill was introduced to the state legislature.
- c. Data collection methods: The team building the dataset consisted of one supervisor and one research assistant. Searches were conducted using WestlawNext. Full text versions of the bills were collected from WestlawNext and state legislature websites. Secondary sources were also used.
- d. Secondary sources
 - i. Paid-leave: Economic Policy Institute, Worker Rights Preemption in the U.S.; Local Solutions Support Center, Under the Cover of Covid: A Survey of State Preemption Trends
 - ii. Fair scheduling: Economic Policy Institute, Worker Rights Preemption in the U.S.; Local Solutions Support Center, Under the Cover of Covid: A Survey of State Preemption Trends
 - iii. Minimum wage: National Conference of State Legislatures, Economic Policy Institute, Workers Rights Preemption in the U.S.; Local Solutions

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Support Center, Under the Cover of Covid: A Survey of State Preemption Trends

- iv. Prevailing wage: Economic Policy Institute, Worker Rights Preemption in the U.S.
- v. Project labor agreements: Economic Policy Institute, Worker Rights Preemption in the U.S.
- e. Databases used: Research was conducted using WestLaw Next, state-specific legislature websites, and the secondary sources listed above
 - i. Full text versions of the laws collected are from the respective state legislature websites and WestLawNext
- f. Search Terms used: The following searches were used in the [State] Historical Proposed Legislation (Bills) libraries of WestlawNext:
 - i. Paid-leave: “employee benefit” OR “paid leave” OR “sick leave” OR “sick days”
 - ii. Fair scheduling: “work hours” OR “schedule” OR “schedule change”
 - iii. Minimum wage: “wage” OR “minimum wage”
 - iv. Prevailing wage: “wage” OR “prevailing wage”
 - v. Project Labor agreements: “project labor agreement” OR “public works” OR “construction”

Each of the topic specific search terms were combined with a combination of a local government term and a preemption term. This approach was used because states employ different language when discussing localities within their states.

The following general terms to identify preemptive bills:

- i. local government: “political subdivision” “municipal” “county” “local government”
- ii. preemption: “preempt” “prohibit” “mandate”

IV. Coding

- a. Development of coding questions: The Supervisor conceptualized coding questions and then shared a draft protocol with researchers at Temple University Center for Public Health Law for feedback. Once the questions were finalized, the researcher entered them into MonQcle, a web-based legal epidemiology coding software.

Below are specific rules used when coding certain questions and answer choices in the dataset.

Question 1: In which domain, if any, does the state preempt local government?

- Select all that apply for the following domains: paid leave, minimum wage, prevailing wage, project labor agreements, fair scheduling.

Question 2: Has a minimum wage preemption bill been introduced in the jurisdiction?

- States were coded “Yes” wherever legislation involving minimum wage preemption had been proposed after January 1 and before December 31 for a given year in the dataset.

Question 3: Has a paid leave preemption bill been introduced in the jurisdiction?

- States were coded “Yes” wherever legislation involving minimum wage preemption had been proposed after January 1 and before December 31 for a given year in the dataset.

Question 4: Has a fair scheduling preemption bill been introduced in the jurisdiction?

- States were coded “Yes” wherever legislation involving fair scheduling preemption had been proposed after January 1 and before December 31 for a given year in the dataset.

Question 5: Has a prevailing wage preemption bill been introduced in the jurisdiction?

- States were coded “Yes” wherever legislation involving minimum wage preemption had been proposed after January 1 and before December 31 for a given year in the dataset.

Question 6: Has a project labor agreement preemption bill been introduced in the jurisdiction?

- States were coded “Yes” wherever legislation involving minimum wage preemption had been proposed after January 1 and before December 31 for a given year in the dataset.

V. Quality Control

- a. **Quality Control – Background Research:** All 14 jurisdictions were 100% redundantly researched to confirm that all relevant bills were collected by the researchers. The researcher also consulted secondary sources like Local Solutions Support Center’s legislative reports to ensure that all preemption bills were captured in the dataset. Following research by the first researcher, a second researcher independently researched preemption bills in all jurisdictions to ensure that all bills were collected. The second researcher found one bill that was missed by the first researcher.
- b. **Quality Control - Coding**
 - i. **Original coding:** Quality control consisted of the researcher exporting the data into Microsoft Excel document and examining the data for any missing responses and citations.