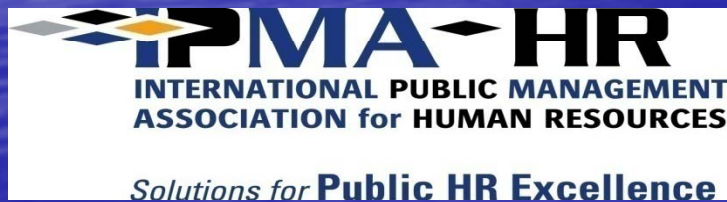


Mandatory Collective Bargaining

By

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Mandatory Collective Bargaining

- The Public Safety Employer-Employee Cooperation Act, H.R. 413 and S. 1611 and S. 3194
- Introduced every year for the past 15 years
- Has the momentum to pass this year – possibly very soon



Mandatory Collective Bargaining

- Requires states and localities to engage in collective bargaining with law enforcement, fire and emergency medical services personnel
- Bill is being pushed by the International Association of Firefighters and to a lesser extent, law enforcement unions

Mandatory Collective Bargaining

- Received some serious attention in 2000 with hearings in both the House and Senate – IPMA-HR testified
- In 2001 there was a procedural vote in the Senate – failed 56-44

Mandatory Collective Bargaining

- In 2007, Neil Reichenberg, Executive Director of IPMA-HR testified in opposition to the bill before a House Subcommittee
- The bill passed the House that year by 314 to 97; a veto-proof margin
- IPMA-HR did have some successes though with changes to the bill and stopped it in the Senate

Mandatory Collective Bargaining

- In May 2008, a procedural vote was held in the Senate – it passed 69 -29
- The bill was pulled by the sponsor due to unrelated amendments; at that time Senators Kennedy and Enzi agreed to table the bill until they could reach some agreements
- President Bush had vowed to veto the bill if it reached his desk

Mandatory Collective Bargaining

- This time around H.R. 413 has 214 cosponsors and was the subject of a March 10 hearing before the House Health Employment Labor and Pension Subcommittee
- Executive Director for the NC League of Municipalities testified on our behalf against the bill
- IPMA-HR submitted statement for the record

Mandatory Collective Bargaining

- In the Senate: S. 1611 introduced by Senator Judd Gregg (R-NH) and has 20 cosponsors
- On April 12, 2010 Senate Majority Leader Harry Reid (D-NV) reintroduced the same bill as S. 3194
- S. 3194 can be brought to the floor at any time
- Rumors say it will be taken up shortly – before the Memorial Day recess

What does the bill do?

- If a state has no collective bargaining law then:
 - It will be subject to the Federal Labor Relations Authority's regulations
 - UNLESS – the state passes a law within 2 years of the date of enactment (or at the end of the first full legislative session whichever is later)

What does the bill do?

- Two possibilities:
 - State passes a law requiring bargaining with police, fire, and EMS personnel :that substantially provides for the rights and responsibilities outlined in the federal law
 - OR the FLRA will have responsibility for public safety bargaining

5 requirements

1. Grant public safety officers the right to form and join a labor organization which may include management and supervisory employees
2. Employers must recognize the labor organization; agree to bargain with; and to commit agreements to writing in a contract or a memorandum of understanding

5 requirements

3. Provide for bargaining over wages, hours and terms and conditions of employment (excluding retirement & health care)
4. Make available interest impasse resolution mechanism such as fact-finding, mediation or arbitration

5 requirements

5. Requires enforcement through state courts or administrative agencies

*Strikes are prohibited

Exemptions

- For political subdivisions with a population of less than 5,000 or
- Fewer than 25 full-time employees
- Elected officials & appointees to boards and commissions are not included in the definition of "employee"

Role of the FLRA

- Issue regulations establishing rights and responsibilities for employees in states without a collective bargaining law
- Determine the appropriateness of units for labor organization representation
- Supervise and conduct elections
- Resolve issues relating to the duty to bargain in good faith

Role of the FLRA

- Conduct hearings and resolve complaints of unfair labor practices
- Resolve exceptions to the awards of arbitrators
- Protect the rights of employees to form, join & assist labor organizations

Role of the FLRA

- Make subsequent determinations about a state's compliance with the law if there is a "material change" in state law or its interpretation

Related Issues

- Right to work – will states have to change their right to work laws?
- No – the bill says that States can still prohibit mandatory union membership and mandatory payment of dues as a condition of employment

Related Issues

- Volunteers
- Impact on volunteers is not clear. One provision in the bill is poorly written and appears to say that the bill will not permit the parties to negotiate prohibitions on part-time/volunteer activity
- Not clear that it in anyway prohibits this activity or that the IAFF contracts with individual union members prohibiting volunteering will be affected

What now?

- There is still time to contact members of Congress and urge them to oppose this bill
- Highlight the impact of the economy, the cost to state and local governments
- [Http://www.house.gov](http://www.house.gov) and senate.gov

Other steps?

- State and local organizations are planning to challenge the law when and if it is enacted
- CRS report questions Congress's authority to pass this bill under the Commerce Clause
- Questionable constitutionality under 10th Amendment principles of federalism – those powers not enumerated in the Constitution belong to the states
- Possible that a court will issue an injunction

Additional Information

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