

H.R. 413 "Public Safety Employer-Employee Cooperation Act of 2009"

Sponsored by Rep. Dale E. Kildee (D - Michigan 5th), Cosponsored by Rep. John James Duncan Jr. (R - Tennessee 2nd)

Has been referred to the Committee on Education and Labor (1/9/2009)

Summary

As defined by this bill, public safety worker include:

- Law enforcement officers
- Firefighters
- Emergency medical services personnel

And exclude "permanent supervisory or management employees."

Within 180 days of the enactment of this Act, the Federal Labor Relations Authority (FLRA) will decide whether a State provides the following minimum rights and responsibilities:

- Public safety officials have the right to form and join a union which will be recognized as the exclusive bargaining agent of these employees.
- Public safety employers are required to recognize the labor organization, agree to bargain with it, and to commit any agreements to writing.
- Hours, wages, and terms and conditions of employment may all be subject to bargaining.
- Mediation, arbitration, or some other kind of resolution procedure will be available.
- Enforcement through State courts of all legal protections and any written contracts will be required.

An employer or a labor organization may submit a written request to the FLRA for a new decision. Decisions made by the FLRA may also be petitioned to the US Court of Appeals within 60 days.

Within one year, the FLRA will decide upon a procedure to provide these rights to workers living in States which do not provide them. Any State that has been determined to not provide the rights listed in this act will have 2 years to comply. In the event of the State not complying within the allotted time, FLRA will have the authority to:

- Determine the appropriateness of units for labor organization representation;
- Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees;
- Resolve issues relating to the duty to bargain in good faith;

- Conduct hearings and resolve complaints of unfair labor practices;
- Resolve exceptions to the awards of arbitrators;
- Protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and
- Take other actions as are necessary and appropriate to effectively administer this Act.

Additionally this Act prohibits:

- States from preempting local laws or ordinances that provide collective bargaining rights that are equal to or greater than the rights list in this Act;
- Public safety employers from engaging in a "lock-out" of public safety officers;
- Public safety officers from engaging in a strike; and
- Labor organizations from calling for a strike by public safety officers.

Political subdivisions of the State of population less than 5,000 or with fewer than 25 full time employees may be exempted by the State from this act or any similar State laws.

**“Law Enforcement Officer” Definition
from the Omnibus Crime Control and Safe Streets Act of 1968:**

(6) “law enforcement officer” means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency), including, but not limited to,

- police,
- corrections,
- probation,
- parole, and
- judicial officers;

**“Firefighter” Definition
from the Fair Labor Standards Act:**

(y) “Employee in fire protection activities” means an employee, including a

- firefighter,
- paramedic,
- emergency medical technician,
- rescue worker,
- ambulance personnel, or
- hazardous materials worker,

who —

(1)

- is trained in fire suppression,
- has the legal authority and responsibility to engage in fire suppression, and
- is employed by a fire department of a municipality, county, fire district, or State;

and

(2) is engaged in the

prevention, control, and extinguishment of fires

-or-

response to emergency situations where life, property, or the environment is at risk.

“Emergency Medical Services Personnel” Definition

(4) The term ‘emergency medical services personnel’ means an individual who provides out-of-hospital emergency medical care, including:

- emergency medical technician,

- paramedic, or
- first responder.