



BYRON L. DORGAN  
CHAIRMAN

DPC Staff Contact: Holly Teliska(202) 224-3232  
DPC Press Contact: Barry Piatt (202) 224-0577

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## **S. 3991, the Public Safety Employer- Employee Cooperation Act**

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# Summary

Public-safety employees, including police, firefighter and emergency personnel, do not have full collective bargaining rights in approximately 20 states. These dedicated men and women who serve our communities are not permitted to collectively negotiate with their employers, state and local governments. First responders are vital to the safety of our communities, but many lack basic workplace rights available to other workers. Enhanced cooperation between public safety officers and their employers would promote public safety and our national security.

The *Public Safety Employer-Employee Cooperation Act*, **S. 3991**, would extend collective bargaining rights, including the right to bargain over hours, wages and working conditions, to public safety employees employed by state and local governments. The legislation would grant states wide latitude to design a collective bargaining system that fits their needs, and would direct the Federal Labor Relations Authority (FLRA) to determine whether a state substantially provides for specified rights and responsibilities for public safety officers. Public safety employees would be prohibited from participating in strikes, lockouts, sickouts and work slowdowns. States and localities would not be required to negotiate over pensions, retirement, and health benefits, and could exclude small cities and sheriff's offices from coverage. Existing collective bargaining units and agreements would not be invalidated by the measure.

On November 30, Senator **Reid** introduced **S. 3991**. Senator **Reid** filed cloture on the motion to proceed to **S. 3991** on December 6, 2010, and a vote on that motion is anticipated on December 8, 2010.

## Major Provisions

### *Rights and Responsibilities*

The legislation would direct the Federal Labor Relations Authority (FLRA) to determine whether state law provides specific rights and responsibility for public safety officers. The FLRA is an independent federal agency that provides certain federal employees with the rights to organize, bargain collectively, and participate in labor organizations. The agency adjudicates disputes under the Federal Service Labor Management Relations Statute.

Specifically, the legislation would require states to do the following: 1) grant public safety officers the right to form and join a labor organization; 2) require public safety employers to recognize the employees' labor organization, to agree to bargain with the labor organization, and commit any agreements to writing; 3) provide the right to bargain over hours, wages, and terms and conditions of employment; 4) make available mediation and comparable procedures; and 5) require a state agency or state courts to enforce workplace rights and applicable contracts between labor organizations and public safety employers.

**S. 3991** would require the FLRA to determine whether a state provides these rights and responsibilities to public safety employees. If the FLRA determines that a state does not substantially provide these rights to all public safety workers, then the state would be subject to minimum regulations and rules determined by the FLRA. The FLRA would be required to issue regulations establishing collective bargaining procedures for public safety employees in states that do not provide for such rights and responsibilities. If the FLRA determines that a state provides adequate protections, then the *Act* would not preempt state laws.

The FLRA and public safety workers would be permitted to petition the courts to enforce compliance with FLRA regulations.

### ***Other Provisions***

The *Act* prohibits public safety employers, employees and labor organization from participating in lockouts, sickouts, work slowdowns, or strikeouts. The *Act* does not allow existing collective bargaining organizations and agreements to be invalidated.

## **Legislative History**

Senator Reid introduced **S. 3991**, the *Public Safety Employer-Employee Cooperation Act*, on November 30, 2010. The House of Representatives passed similar legislation as part of an amendment to a supplemental appropriations bill, **H. R. 4899**, in July 2010 by a vote of 239 to 182.

Senator Reid filed cloture on the motion to proceed to **S. 3991** on December 6, 2010. The vote on cloture on the motion to proceed to **S. 3991** is expected on December 8, 2010.

## **Expected Amendments**

The DPC will circulate information about possible amendments as it becomes available.

## **Administration Position**

At the time of publication, the Administration had not released a Statement of Administration Policy on **S. 3991**.

## **Resources**

Congressional Research Service, The Public Safety Employer-Employee Cooperation Act, available [here](#).