

The Public Safety Employer-Employee Cooperation Act

Section by Section Overview

Section 1. → Short Title

Section 2. → Purpose and Policy

The legislation lays out the values and principles inherent to the success found within a management and labor relationship. The language identifies the various ways in which America's national security is served by the fire service and how without a mechanism to promote communication and information sharing between management and workers both the fire service and the communities they represent would suffer.

Section 3. → Definitions

Section 4. → Determination of Rights and Responsibilities

Determination - No later than 180 days after the bill becomes law the FLRA will begin to make determinations as to whether a State provides for the basic rights outlined within.

Consideration of Additional Opinions - If the political subdivision and/or employee makes apparent to the FLRA that their law conforms to the Cooperation Act than the FLRA must take this opinion into consideration before making their determination.

Limited Criteria - The FLRA will be limited to the criteria outlined in the bill when making their determination as to whether a state or subdivision complies.

Subsequent Determination - A political subdivision or employee may submit a written request for second determination if they disagree with the original and the FLRA must respond to the request within 30 days.

Judicial Review - Any person or employer aggrieved by a determination of the authority may petition any US Court of Appeals in the circuit in which the party resides.

Rights and Responsibilities – The Cooperation Act shall provide the following rights to public safety officers:

- Right to form and join a union (excluding management).
- Right to be recognized by employers, agree to bargain and enter into contract.
- Right to bargain over hours, working conditions and wages.
- Right to a dispute resolution mechanism such as : arbitration, mediation or fact finding.
- Right to have these rights enforced through 1.) a state administrative agency if the state so chooses or 2.) any court of competent jurisdiction.

Compliance with Requirements – If the FLRA determines that the political subdivision provides the rights described within, then the law does not apply.

Failure to Meet Requirements – If the FLRA does not determine that the political subdivision provides the rights described within than they shall be subject to the procedures in **section 5** beginning on the later of

- 2 years after the enactment of this legislation
- The last day of the first regular session of the legislature of the State that begins after the FLRA makes its initial determination.

Partial Failure – If a State provides only some of the rights described in the bill, the FLRA will have the authority to provide guidance over compliance for remaining rights outlined within.

Section 5. → Role of Federal Labor Relations Authority.

In General - No later than 1 year after enactment, the FLRA shall issue regulations establishing collective bargaining procedures for employers and public safety workers in States that have not complied with the law.

Role of FLRA – In States that do not provide required rights, the Authority provide the requisite benefits.

- Determine the organization numbers appropriate for the labor group.
- Supervise or conduct elections to determine if a union has been formed.
- 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 workers to form and join a labor organization or to refrain from any such activity.

Enforcement – The FLRA may petition the US Court of Appeals to enforce any final orders under this section.

Private Right of Action – Unless the FLRA has filed its own petition for enforcement any Political subdivision or worker may file suit in the appropriate district court to enforce, compliance with the regulations outlined above.

Section 6. → Strikes and Lockouts Prohibited

Nothing in this legislation allows for the strike of any public safety officer.

Section 7. → Existing Collective Bargaining Unites and Agreements

Any agreement, certification, election-held collective bargaining agreement, or memorandum issued on or before the date of this act will not be invalidated by this bill.

Section 8. → Construction and Compliance

Construction – Nothing in this bill will be interpreted to:

- Limit or preempt the laws of any State or political subdivision that provides comparable or greater rights.
- Prevent a State from enforcing right-to-work laws.
- Prohibit a State from exempting from coverage any subdivision with a population less than 5,000 or that employs less than 25 full-time employees.
- Prevent a law or ordinance that provides for the rights outlined in this bill but does not provide for rights requiring bargaining with respect to pension, retirement, or healthcare.

Actions of States – Nothing in the bill will require a State to rescind its own laws if such laws provide rights and responsibilities for public safety officers that are comparable or greater than the rights and responsibilities of this bill.

Actions of the Authority – No regulations promulgated under this bill will undermine any State law that already allows for collective bargaining rights equal to or greater to those outlined in this bill. The state law will not comply with this bill if said state provides for the rights outlined in this bill to a category of public safety officer not outlined within. Nothing in this bill will undermine a State law that provides for the rights outlined within but requires the agreement to be presented to a legislative body as party of the process for approval.

Section 9. → Authorization of Appropriations

It is authorized to appropriate necessary funds to carry out the provisions of this Act.