

Collective Bargaining Frequently Asked Questions (FAQs)

Q: Would the Public Safety Employer-Employee Cooperation Act supersede laws in states where fire fighters already have collective bargaining rights?

A: No. States and localities that already meet or exceed the basic collective bargaining rights established under the legislation are exempt from the legislation (Section 8(a)(1)). The legislation preserves state collective bargaining laws already on the books. We have crafted the legislation very carefully to protect existing laws.

Q: Isn't collective bargaining a state issue? Why does the federal government need to get involved? Why now?

A: Protecting the public safety is a legitimate and important federal responsibility, and enhancing cooperation between public safety employers and employees can help meet that responsibility. The terrorist attacks of September 11, 2001 re-defined public safety responsibilities. Now more than ever, public safety officers play an essential role in national security. Whether it's responding to an act of terrorism, a hazardous cargo spill on interstate highways, or a natural disaster, the federal government relies on the preparedness and capabilities of local public safety officers. The federal government has a vital interest in promoting cooperation and partnerships between public safety agencies and first responders.

Q: Does the legislation violate states' rights?

A: No. Under the legislation, each state will maintain and administer its own collective bargaining law. The legislation simply establishes basic minimum collective bargaining principles which state laws must meet. The implementation and enforcement of those laws are left entirely to the states.

The concern for states' rights is a convenient argument. Congress routinely infringes on states' rights where a federal responsibility is identified. For example, Congress has imposed federal standards in many areas traditionally thought to be in the domain of the states such as: Education (No Child Left Behind Act), Election Reform (Help America Vote Act), Tort Reform, Driver's Licenses (Real ID Act), etc. Public safety officers, as critical components of our national security, are entitled to leadership from the federal government to ensure that they have a voice in how the public safety is protected.

Q: Would the Public Safety Employer-Employee Cooperation Act cancel existing collective bargaining agreements?

A: No. The legislation expressly keeps intact all existing collective bargaining agreements or memorandums of understanding approved by any public employee relations board or by any State or locality. (Section 7)

Q: Does the Public Safety Employer-Employee Cooperation Act repeal state right-to-work laws?

A: No. The legislation absolutely protects state Right-to-Work laws (Section 8 (a)(2)). Specifically, the legislation allows states to enforce laws that prevent employers and unions from requiring union fees as a condition of employment. Many people confuse collective bargaining with Right to Work. The two can coexist. For example, fire fighters currently enjoy collective bargaining rights in Florida, Oklahoma and Idaho, all of which are Right-to-Work states.

Moreover, there is no conflict between collective bargaining and Right-to-Work. Many Right-to-Work states allow bargaining and all private sector employees in such states have bargaining rights. Public safety officers in these states deserve the same rights as other workers.

Q: Is the Public Safety Employer-Employee Cooperation Act an “organizing bill” for IAFF, designed to boost its membership?

A: No. The vast majority of fire fighters in states without collective bargaining rights are already IAFF members. The purpose of the legislation is to ensure that these public safety officers have the same rights as most other workers to talk to their employers. In fact, over 85% of professional fire fighters are IAFF members. We are the only major union that does not even have an organizing department.

Q: Will the Public Safety Employer-Employee Cooperation Act be detrimental to volunteer fire houses?

A: No. The legislation does not infringe on the rights of volunteer fire fighters. In fact, the legislation specifically supports an employee’s right to engage in part-time employment or volunteer activities. The language in the bill to protect volunteer fire fighters was crafted in concert with the National Volunteer Fire Council. (Section 8(a)(5)).

Q: Is the Public Safety Employer-Employee Cooperation Act constitutional?

A: The legislation was drafted consistent with United States Supreme Court rulings relating to the Tenth Amendment, the Commerce Clause, the

Fourteenth Amendment, and state sovereign immunity. Constitutional attorneys have carefully reviewed the legislation to ensure that it passes constitutional muster.

Q: Does the Public Safety Employer-Employee Cooperation Act mandate binding arbitration?

A: No. The legislation leaves the issue of binding arbitration entirely to the states. Currently, some states allow for binding arbitration, but other states have effective collective bargaining laws that prohibit binding arbitration.

Q: Does the Public Safety Employer-Employee Cooperation Act impose an unfunded mandate on our Nation's states and cities?

A: No. The legislation simply establishes a process for discussions between public safety officers and their employers. It does not cost local governments any money and does not require local governments to agree to anything it doesn't want or can't afford. There is nothing in this proposal to compel the employer to agree to anything. At the end of the day, fiscal decisions remain firmly the prerogative of the employer. In fact, language in the legislation specifically protects the local government's respective legislative body's authority to approve or disapprove funding for any negotiated accords (Section 8(b)(2)(C)).

Q: If the Public Safety Employer-Employee Cooperation Act becomes law, will firefighters and law enforcement officers be more likely to go on strike?

A: No. The legislation expressly outlaws strikes (Section 6). More importantly, collective bargaining prevents strikes because it provides a forum to address workplace concerns. When public safety officers have a forum to discuss their concerns, differences can be resolved. Strikes are far more likely to occur when public safety officers are restricted from having a forum in which to raise issues.