

One Minute Memo[®]



Public Safety Employer-Employee Cooperation Act of 2007 Finds Key Support In Congress

Hearings recently were held in Washington, D.C. on an important piece of proposed public sector collective bargaining legislation called the Public Safety Employer-Employee Cooperation Act of 2007. Introduced by Representative Dale Kildee (D-MI), H.R. 980 would establish a national system of collective bargaining for most of the nation's public safety officers, including but not limited to, law enforcement officers, firefighters, and other emergency service personnel employed by state and local governments (but excluding employees who hold similar positions with the federal government). Currently, H.R. 980 has over 230 co-sponsors in the U.S. House of Representatives. There are indications that H.R. 980 has a fairly good chance of passing both Houses of Congress. Less clear is whether the current administration would veto the bill and/or if Congress has the votes to override any such veto.

If passed, H.R. 980 would establish a national collective bargaining system for fire and police personnel that is governed by a federal agency called the Federal Labor Relations Authority (FLRA). If H.R. 980 was ever enacted, state legislatures would have an initial opportunity to pass their own public safety collective bargaining statutes. If these statutes meet certain minimum criteria as outlined in H.R. 980, the FLRA would abstain from exercising jurisdiction over those particular states. On the other hand, if a state either refuses to pass such a law and/or passes an insufficient law, the FLRA would exercise direct jurisdiction over the state's public safety collective bargaining. It is still too early to tell whether H.R. 980 would have a significant

impact on Illinois public sector labor relations and/or whether the Illinois General Assembly would have to modify its own local bargaining statutes in order to meet the criteria outlined in H.R. 980.

Various public employer organizations, such as the National Public Employer Labor Relations Association (NPELRA), have expressed serious concerns about the practical impact of H.R. 980, as well as its ability to pass constitutional muster if ever challenged in a court of law. On June 5, 2007, R. Theodore Clark, Jr. of Seyfarth Shaw LLP testified on behalf of NPELRA before the House Subcommittee on Health, Employment, Labor, and Pensions. During this hearing, Mr. Clark discussed the concerns that the public employer community has regarding H.R. 980. [A copy of Mr. Clark's written testimony can be accessed by clicking here.](#) Mr. Clark joined a panel of other speakers, including Kevin O'Connor, Assistant to the General President of the International Association of Firefighters, Wayne Seybold, the Mayor of Marion, Indiana, Paul Nunziato, a Police Officer with the New York/New Jersey Port Authority, Professor William Banks of Syracuse University, and Neil Reichenberg, the Executive Director of the International Public Management Association for Human Resources.

If you have questions about Mr. Clark's testimony, or the overall impact of H.R. 980 on Illinois public sector labor relations, please contact the Seyfarth Shaw attorney with whom you work or any Seyfarth attorneys listed on our website www.seyfarth.com.

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