

104TH CONGRESS
1ST SESSION

H. R. 1484

To provide collective bargaining rights for public safety officers employed
by States or their political subdivisions.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 1995

Mr. KILDEE introduced the following bill; which was referred to the
Committee on Economic and Educational Opportunities

A BILL

To provide collective bargaining rights for public safety
officers employed by States or their political subdivisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Safety Em-
5 ployer-Employee Relations Act of 1995”.

6 **SEC. 2. DECLARATION OF PURPOSE AND POLICY.**

7 The Congress declares that the following is the policy
8 of the United States:

9 (1) Labor-management relationships and part-
10 nerships are based on trust, mutual respect, open

1 communications, bilateral and consensual problem
2 solving, and shared accountability. Dispute resolu-
3 tion procedures are fair, determinative, simple, fast
4 and inexpensive, and effectively and swiftly deal with
5 issues. Labor-management cooperation fully utilizes
6 the strengths of both parties to best serve the inter-
7 ests of the public, operating as a team to carry out
8 the public safety mission in a quality work environ-
9 ment. In many public safety agencies it is the union
10 that provides the institutional stability as elected
11 leaders and appointees come and go.

12 (2) The health and safety of the Nation and the
13 best interest of public safety employers and employ-
14 ees can be best protected by the settlement of issues
15 through the processes of collective bargaining.

16 (3) The Federal Government shall make avail-
17 able governmental facilities for conciliation, medi-
18 ation, and voluntary arbitration to aid and encour-
19 age employers and the representatives of their em-
20 ployees to reach and maintain agreements concern-
21 ing rates of pay, hours, and working conditions, and
22 to make all reasonable efforts to settle their dif-
23 ferences by mutual agreement reached through col-
24 lective bargaining or by such methods as may be

1 provided for in any applicable agreement for the set-
2 tlement of disputes.

3 (4) Certain controversies which arise involving
4 collective bargaining agreements may be avoided or
5 minimized through mediations and conciliation.

6 **SEC. 3. DEFINITIONS.**

7 For purposes of this Act:

8 (1) The term “Director” means the Director of
9 the Federal Mediation and Conciliation Service.

10 (2) The term “firefighter” means an employee
11 who—

12 (A) primarily performs work directly relat-
13 ed to the control and extinguishment of fires;

14 (B) works for fire departments and is re-
15 sponsible for the maintenance and use of fire-
16 fighting apparatus and equipment, prevention
17 and investigation, communications and dis-
18 patch; or

19 (C) provides emergency medical care.

20 The term includes an employee engaged in such ac-
21 tivity who is transferred to a supervisory or adminis-
22 trative position, but does not include a management
23 or supervisory employee.

24 (3) The term “law enforcement officer” means
25 a member of a law enforcement agency serving in a

1 law enforcement position, which is usually indicated
2 by formal training (regardless of whether the officer
3 has completed or been assigned to such training)
4 and usually accompanied by the power to make ar-
5 rests. The term includes an employee engaged in
6 such activity who is transferred to a supervisory or
7 administrative position, but does not include a man-
8 agement or supervisory employee.

9 (4) The term “law enforcement agency” means
10 a State or local public agency that is charged by law
11 with the duty to prevent or investigate crimes or ap-
12 prehend or hold in custody persons charged with or
13 convicted of crimes.

14 (5) The term “management or supervisory em-
15 ployee” includes any public safety personnel exempt-
16 ed from the provisions of chapter 8 of title 29, Unit-
17 ed States Code.

18 (6) The terms “employer” and “public safety
19 employer” mean any State, political subdivision of a
20 State, the District of Columbia, or any territory or
21 possession of the United States.

1 **SEC. 4. RIGHT OF FIREFIGHTERS AND LAW ENFORCEMENT**
2 **OFFICERS TO ORGANIZE AND BARGAIN COL-**
3 **LECTIVELY.**

4 (a) IN GENERAL.—Firefighters and law enforcement
5 officers have the right to self-organize, to form, join, or
6 assist labor organizations, to bargain collectively through
7 representatives of their own choosing, and to engage in
8 other concerted activities for the purpose of collective bar-
9 gaining or other mutual aid or protection.

10 (b) APPLICATION TO EXISTING LAWS OF STATES
11 AND POLITICAL SUBDIVISIONS.—

12 (1) APPLICABILITY.—This Act shall be applica-
13 ble to any State and its political subdivisions if such
14 entity does not have a law or ordinance that pro-
15 vides greater or equal protection for the rights of
16 firefighters and law enforcement officers as estab-
17 lished under sections 4(a) and 4(e)(3) under this
18 Act.

19 (2) RIGHT TO PETITION.—Any employer or em-
20 ployee labor organization shall have the right to peti-
21 tion the Director of the Federal Mediation and Con-
22 ciliation Service to determine that a State or politi-
23 cal subdivision ordinance is in compliance with para-
24 graph (1). The Director shall issue a determination
25 not later than 30 days after receipt of such a peti-

1 tion. The power of enforcement shall be the same as
2 cited in subsection (f).

3 (c) REGULATIONS.—Not later than 1 year after the
4 date of the enactment of this Act, the Director shall issue
5 regulations to carry out this Act in accordance with the
6 administrative procedures described in subchapter II of
7 chapter 5 of title 5, United States Code.

8 (d) EXISTING COLLECTIVE BARGAINING UNITS AND
9 AGREEMENTS.—No certification, recognition, election-
10 held, collective bargaining agreement or memorandum of
11 understanding which has been issued, approved, or ratified
12 by any public employee relations board or commission or
13 by any State or political subdivision or their agents (man-
14 agement officials) shall be invalidated by enactment of this
15 Act.

16 (e) CONCILIATION OF LABOR DISPUTES INVOLVING
17 FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS.—

18 (1) ESTABLISHMENT OF BOARD OF INQUIRY.—

19 (A) When an impasse is certified by the
20 Federal Mediation and Conciliation Service, the
21 Director shall assist on the resolution of the im-
22 passe by establishing within 30 days after the
23 notice to the Federal Mediation and Concilia-
24 tion Service, an impartial Board of Inquiry to
25 investigate the issues involved in the dispute

1 and to make a written report thereon to the
2 parties not later than 15 days after the estab-
3 lishment of such a board unless an extension is
4 requested by such board and approved by the
5 Director.

6 (B) The written report shall contain the
7 findings of fact together with the Board's rec-
8 ommendations for settling the dispute, with the
9 objective of achieving a prompt, peaceful, and
10 just settlement of the dispute. Each board shall
11 be composed of such number of individuals as
12 the director may deem desirable. No member
13 appointed under this section shall have pecu-
14 niary interest or involvement in firefighting or
15 law enforcement or in the employee organiza-
16 tions involved in the dispute.

17 (2) COMPENSATION OF MEMBERS OF BOARDS
18 OF INQUIRY.—

19 (A) Members of any board established
20 under this section who are otherwise employed
21 by the Federal Government shall serve without
22 compensation but shall be reimbursed for trav-
23 el, subsistence, and other necessary expenses in-
24 curred by them in carrying out its duties under
25 this section.

1 (B) Members of any board established
2 under this section who are not subject to sub-
3 paragraph (A) shall receive compensation at a
4 rate prescribed by the Director but not to ex-
5 ceed the daily rate prescribed for GS-15 of the
6 General Schedule under section 5332 of title 5,
7 United States Code, including travel for each
8 day they are entitled to reimbursement for trav-
9 el, subsistence, and other necessary expenses in-
10 curred by them in carrying out their duties
11 under this section.

12 (3) MAINTENANCE OF STATUS QUO.—After the
13 certification of an impasse under paragraph (1) of
14 this section and for 15 days after the Board of In-
15 quiry has issued its report, no change in the status
16 quo in effect prior to the expiration of the contract
17 in the case of negotiations for a contract renewal, or
18 in effect prior to the time of the impasse in the case
19 of an initial bargaining negotiation, except by agree-
20 ment of the parties, shall be made by the parties to
21 the controversy.

22 (f) ENFORCEMENT.—After completion of the inves-
23 tigation in subsection (e) the Director may request the At-
24 torney General to petition any United States District

1 Court having jurisdiction of the parties to enforce the pro-
2 visions of this Act.

3 (g) STATE IMMUNITY.—A State shall not be immune
4 from an action in Federal or State court of competent ju-
5 risdiction for a violation of this Act. In any action against
6 a State for a violation of the requirements of this Act,
7 remedies (including remedies both at law and in equity)
8 are available for such violation to the same extent as such
9 remedies are available for such a violation in an action
10 against any public or private entity other than a State.

11 **SEC. 5. STRIKES AND LOCKOUTS PROHIBITED.**

12 Public safety employers and employees may not en-
13 gage in lockouts or strikes.

14 **SEC. 6. SUITS BY AND AGAINST LABOR ORGANIZATIONS.**

15 (a) VENUE, AMOUNT, AND CITIZENSHIP.—Suits for
16 violation of contracts between an employer and a labor or-
17 ganization representing public safety employees, or be-
18 tween any such labor organizations, may be brought in
19 any district court of the United States having jurisdiction
20 of the parties, without respect to the amount in con-
21 troversy or without regard to the citizenship of the parties.

22 (b) RESPONSIBILITY FOR ACTS OF AGENT; ENTITY
23 FOR PURPOSE OF SUIT; ENFORCEMENT OF MONEY JUDG-
24 MENTS.—Any labor organization which represents public
25 safety employees and any employer shall be bound by the

1 acts of its agents. Any such labor organization may sue
2 or be sued as an entity and on behalf of the employees
3 whom it represents in the courts of the United States. Any
4 money judgment against a labor organization in a district
5 court of the United States shall be enforceable only
6 against the organization as an entity and against its as-
7 sets, and shall not be enforceable against any individual
8 member or the assets of the individual.

9 (c) JURISDICTION.—For the purpose of actions and
10 proceedings by or against labor organizations in the dis-
11 trict courts of the United States, district courts shall be
12 deemed to have jurisdiction of a labor organization—

13 (1) in the district in which such organization
14 maintains its principal office; or

15 (2) in any district in which its duly authorized
16 officers or agents are engaged in representing or
17 acting for employee members.

18 (d) SERVICE OF PROCESS.—The service of summons,
19 subpoena, or other legal process of any court of the United
20 States upon an officer or agent (acting in such capacity)
21 of a labor organization shall constitute service upon the
22 labor organization.

23 (e) DETERMINATION OF QUESTION OF AGENCY.—
24 For the purpose of this section, in determining whether
25 any person is acting as an “agent” of another person so

1 as to make such other person responsible for such actions,
2 the question of whether the specific acts performed were
3 actually authorized or subsequently ratified shall not be
4 controlling.

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated such sums
7 as may be necessary to carry out the provisions of this
8 Act.

9 **SEC. 8. EFFECTIVE DATE.**

10 This Act shall take effect 60 days after the date of
11 the enactment of this Act.

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