

WebMemo



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Unionizing Public Safety Employees Threatens Volunteer Fire Departments and Public Safety

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The Public Safety Employer–Employee Cooperation Act (H.R. 980), passed by the House in July and now before the Senate, threatens to put millions of Americans at greater risk of fire-related loss, injury, or death. By requiring every local government to collectively bargain with its public safety employees, H.R. 980 would force many firefighters into the International Association of Fire Fighters (IAFF), a union that prohibits its members from belonging to volunteer fire departments, even as volunteers in their off-time. Off-duty professional firefighters form the core of America’s nearly 26,000 volunteer fire departments, and forcing them into the IAFF would cause volunteer fire departments across America to shut down, threatening public safety and straining local budgets. Congress should not force every local fire department in America to collectively bargain.

Forced Collective Bargaining. The Public Safety Employer–Employee Cooperation Act requires every state and local government to collectively bargain with their public safety employees: policemen, firefighters, and emergency medical personnel. Most states already do this, but a minority does not. The bill also requires states that already have collective bargaining to bargain over nearly every term and condition of employment. Currently, many states exempt topics, such as using merit pay instead of seniority-based pay, from collective bargaining.

This bill has attracted little public attention, but if enacted it would dramatically affect how local

governments serve their citizens. Few communities are aware of the fact that the Public Safety Employer–Employee Cooperation Act may imperil their volunteer fire departments.

Volunteer Fire Departments Provide Essential Protection. Volunteer fire departments provide essential protection for tens of millions of Americans. Fully 72 percent of firefighters in the United States are volunteers.¹ Most communities with fewer than 25,000 residents are protected by volunteer fire departments.² Most of these volunteer fire departments are anchored by a core of professional career firefighters.

To earn a living, these career firefighters work for another department and volunteer in their spare time, or they are employed directly by a mostly volunteer department. Volunteer fire departments allow many small communities to protect themselves from fires without the expense of employing full-time career firefighters.

Unions Oppose Volunteer Firefighting. This is why the International Association of Fire Fighters (IAFF), which represents career firefighters, bitterly opposes volunteer firefighting. Fewer career fire departments results in fewer jobs for career fire-

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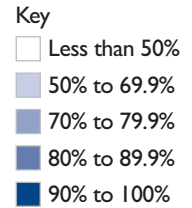
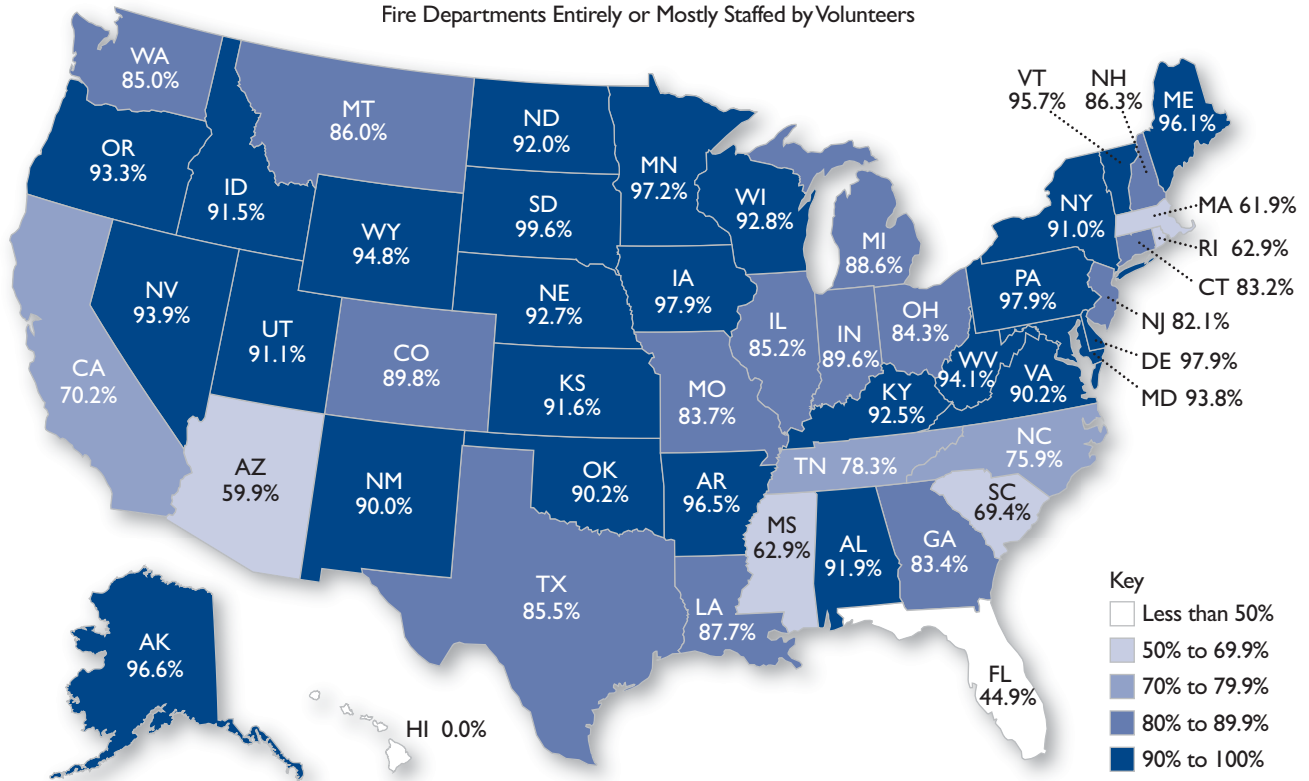
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States Rely on Volunteer Firefighters

Fire Departments Entirely or Mostly Staffed by Volunteers



State	All	Mostly	Mostly or All
Alabama	85.1%	6.8%	91.9%
Alaska	62.2	34.4	96.6
Arizona	43.1	16.8	59.9
Arkansas	85.6	10.9	96.5
California	44.5	25.7	70.2
Colorado	56.6	33.2	89.8
Connecticut	64.6	18.6	83.2
Delaware	33.1	64.8	97.9
Florida	31.1	13.8	44.9
Georgia	47.0	36.4	83.4
Hawaii	0.0	0.0	0.0
Idaho	70.7	20.8	91.5
Illinois	72.1	13.1	85.2
Indiana	78.9	10.7	89.6
Iowa	93.0	4.9	97.9
Kansas	82.1	9.5	91.6
Kentucky	78.7	13.8	92.5

State	All	Mostly	Mostly or All
Louisiana	61.2	26.5	87.7
Maine	79.9	16.2	96.1
Maryland	82.3	11.5	93.8
Massachusetts	32.2	29.7	61.9
Michigan	68.3	20.3	88.6
Minnesota	88.8	8.4	97.2
Mississippi	41.9	21.0	62.9
Missouri	68.9	14.8	83.7
Montana	74.0	12.0	86.0
Nebraska	85.5	7.2	92.7
Nevada	55.3	38.6	93.9
New Hampshire	41.2	45.1	86.3
New Jersey	75.5	6.6	82.1
New Mexico	79.7	10.3	90.0
New York	86.3	4.7	91.0
North Carolina	53.7	22.2	75.9
North Dakota	80.0	12.0	92.0

State	All	Mostly	Mostly or All
Ohio	61.9	22.4	84.3
Oklahoma	73.6	16.6	90.2
Oregon	38.5	54.8	93.3
Pennsylvania	92.8	5.1	97.9
Rhode Island	33.1	29.8	62.9
South Carolina	34.5	34.9	69.4
South Dakota	92.3	7.3	99.6
Tennessee	56.5	21.8	78.3
Texas	74.8	10.7	85.5
Utah	78.7	12.4	91.1
Vermont	91.5	4.2	95.7
Virginia	86.9	3.3	90.2
Washington	53.5	31.5	85.0
West Virginia	88.9	5.2	94.1
Wisconsin	78.7	14.1	92.8
Wyoming	78.7	16.1	94.8

Source: National Fire Protection Association, "State-by-State Findings of Four Years Later – Fire Department Needs and Response Capabilities," January 2007.

fighters and fewer unionized career firefighters paying union dues. The IAFF has done everything in its power to shut down volunteer fire departments.

The IAFF constitution prevents its members from serving in volunteer fire departments on their own time.³ “Two-hatters” who ignore the union constitution face steep fines. The IAFF also negotiates collective bargaining agreements that require cities to fire any career firefighters who volunteer with other fire departments in their free time. Firefighters in Fort Wayne, Indiana, sued after their union negotiated such a provision, but the courts ruled that the union may negotiate a contract that would prevent them from volunteering on their own time.⁴

If Congress requires every local government to collectively bargain with its firefighters, many local firefighters will be pushed into IAFF membership. Union fines and restrictive collective bargaining agreements mean that many career firefighters will be prevented from volunteering in their communities. Without a professional core, many volunteer fire departments would have to close.

Harms Local Communities. This is precisely what the IAFF wants to happen. As IAFF President Harold Schaitberger explained:

All too often, jurisdictions rely upon the services of volunteers to undermine the efforts of our own members to obtain the resources necessary to support a properly staffed and adequately equipped full time career fire department. As a union representing the interests of paid professional fire fighters, we can and must promote the interests of our members by strongly advocating career fire departments across North America.⁵

The IAFF wants local governments to replace volunteer fire departments with career fire departments. But in most small communities, paying for a professional department is not realistic or feasible. The expense of a full-time, career-firefighter-staffed fire department would severely strain the budgets of towns with only a few thousand residents. Each volunteer firefighter saves his or her community an average of \$45,500 a year. Nationwide, volunteer firefighters save their communities \$37.2 billion a year.⁶

If the IAFF’s campaign against volunteer fire departments forces every community to replace its volunteer fire department with a professional department, local tax bills will have to rise or other services will have to be cut to cover the expense. Financial realities would force many communities to cut back on fire protection, leaving their residents at greater risk. Congress should not put cities and towns across America in this position.

No Protection for Volunteers. This very concern derailed previous versions of this legislation, and so its supporters added a provision that appears to protect volunteer firefighters. Section 8(a)(4) of H.R. 980 specifies that the legislation does not “permit parties subject to the National Labor Relations Act...to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours.”

But this provision will not protect volunteer firefighters, because the National Labor Relations Act (NLRA) does not cover public sector labor relations. Local governments are not subject to the NLRA. The legislation would subject them to the Federal Labor Authority, but not the NLRA. This provision would do absolutely nothing to prevent the IAFF from fining its members for volunteering or from negotiat-

1. Michael J. Karter, “U.S. Fire Department Profile,” National Fire Protection Association, October 2006, at www.nfpa.org/itemDetail.asp?categoryID=417&itemID=18246&URL=Research%20&%20Reports/Fire%20reports/Fire%20service%20statistics.
2. *Ibid.*
3. The International Association of Fire Fighters, “Constitution and By-Laws,” Article XV.
4. *Messman v. Helmke*, 133 F.3d 1042 (7th Cir. 1998).
5. Letter from IAFF president Harold Schaitberger to IAFF affiliate presidents, September 20, 2002, at www.nvfc.org/news/hn_iaff_presidents_consequence.html.
6. National Volunteer Fire Council Foundation, “Economic Impact of the Volunteer Fire Service Project,” May 2004, at www.nvfc.org/calculator/nvfc-cost-savings.doc.

ing contracts that prevent its members from volunteering.

Conclusion. The Public Safety Employer–Employee Cooperation Act would threaten the existence of many volunteer fire departments, putting millions of Americans at greater risk of fire-

related injury or death. Rather than force local governments to collectively bargain with the IAFF, Congress should let them choose the policies that best serve their citizens.

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