

# WebMemo



Published by The Heritage Foundation

No. 2215  
January 16, 2009

## Public Safety Employer–Employee Cooperation Act: The Heritage Foundation 2009 Labor Boot Camp

*James Sherk*

### What Is the Public Safety Employer–Employee Cooperation Act (PSEEC)?

- The act would require all state and local governments to collectively bargain with public safety employees’—police officers, firefighters, and emergency medical personnel—by creating a federalized collective bargaining system for public safety officers.
- PSEEC allows the Federal Labor Relations Authority (FLRA) to determine whether a state’s collective bargaining arrangements meet the standards as defined by the act.
- States and localities must collectively bargain with public safety employees.
  - They must permit bargaining over wages, hours, and all terms and conditions of employment.
  - They must provide a dispute resolution mechanism, such as binding arbitration.
- The FLRA will have considerable authority to enforce the act, including:
  - Determining the appropriateness of units for labor organization representation;
  - Conducting hearings and resolving complaints of unfair labor practices; and
  - Supervising or conducting elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees.

- States would be granted the authority to pass laws more expansive than those the federal government imposed.
  - States would not, however, be allowed to pass narrower laws than those contained in the act.

### Policy Objections

- Large majorities of public safety employees already collectively bargain.
  - This legislation is a solution in search of a problem.
- The act would end local control and flexibility by forcing the minority that has chosen not to collectively bargain to do so. Different states and local governments have different needs and should be free to fit their policies to their individual needs. Collective bargaining does not work everywhere.
- Although the act gives the appearance of respecting local control and flexibility, it actually severely restricts the freedom of state and local governments to tailor their policies to their needs. For instance:

This paper, in its entirety, can be found at:  
[www.heritage.org/Research/Labor/wm2215.fjm](http://www.heritage.org/Research/Labor/wm2215.fjm)

Produced by the Center for Data Analysis

Published by The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002–4999  
(202) 546-4400 • [heritage.org](http://heritage.org)

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

- By requiring states to negotiate all terms and conditions of employment, PSEEC would force states to negotiate subjects such as replacing a merit-based pay system with seniority-based promotions, which many local governments have found to be inappropriate in their jurisdictions.
- Promoting public safety employees on the basis of union seniority, not ability or performance, compromises the public good.
- Merit-based promotions and raises encourage hard work and help put the best workers in the most sensitive positions.
- Not all issues should be collectively negotiated.
  - Even where public sector collective bargaining makes sense, the public good demands that many terms and conditions of employment be kept off the bargaining table. Police unions should not negotiate the terms and conditions under which their members may use deadly force.
- Experience demonstrates that collective bargaining does not lead to increased cooperation between public safety employees and their employers.
  - The process is inherently adversarial: Pitting employees and employers against each other at the bargaining table creates as much conflict as cooperation.
- Consequently, public sector employees will often strike when the law explicitly forbids it, putting vital public services at risk.
- It may deter or even eliminate the formation of volunteer firemen organizations. Firefighters unions vehemently oppose volunteer firefighters because they reduce the need for paid firefighters. They levy stiff internal fines against unionized firefighters who volunteer off-duty. By requiring all states and localities to collectively bargain, PSEEC would make it easier for unions to crack down on volunteer firefighting.

### Economic Effects

- The act would impose a substantial unfunded mandate on state and local governments.
- The act prevents employers from hiring workers who would do the same job for less than union wages, thus undermining potentially more qualified competition.
- Without providing financing for the mandate, the act will force these governments to either cut services or raise taxes.
- This gives the union much more negotiating power but harms workers who could negotiate a better individual deal with the employer. A non-union worker who prefers merit-based promotions must instead accept what the union negotiates for him.

—James Sherk is Bradley Fellow in Labor Policy in the Center for Data Analysis at The Heritage Foundation.