

WebMemo



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Public Safety Employer–Employee Cooperation Act

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

- The act would require all state and local governments to collectively bargain with public safety employees—police officers, firefighters, and emergency medical personnel.
 - States would have to permit bargaining over wages, hours, and all terms and conditions of employment.
 - States would have to provide a dispute resolution mechanism, such as binding arbitration.
- The PSEECA allows the Federal Labor Relations Authority (FLRA) to determine whether a state's collective bargaining arrangements meet the standards as defined by the act. If they do not, the FLRA may impose a collective bargaining system on the state.
- 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. The states in which collective bargaining is appropriate and affordable have already chosen to do so. The legislation represents a solution in search of a problem.
- The act would end local control and flexibility by forcing the minority of states that have 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.
- The rationales for private-sector unions do not apply to government.
 - Civil service laws protect government workers from abusive bosses.
 - Private-sector unions bargain for a share of the profits they help create. The government creates no profits. Government unions bargain for a share of tax revenues.
- Government unions push to use tax dollars to benefit their members instead of serving public needs. Collective bargaining allows government employees to tell the public how to spend their money instead of vice versa.

This paper, in its entirety, can be found at:
<http://report.heritage.org/wm3158>

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- By forcing collective bargaining on cash-strapped state and local governments, the PSEECA imposes an expensive unfunded mandate on them. Collective bargaining raises states' labor costs, but the PSEECA does not provide the funding to pay for it.
 - Unionized state and local government employees earn 11–12 percent higher pay than comparable non-union workers.
 - They also have more expensive benefit packages than non-union workers.
- Not all issues should be collectively negotiated. For instance:
 - Police unions should not negotiate the terms and conditions under which their members may use deadly force.
 - Many state and local governments promote police officers on the basis of merit and performance instead of through collectively bargained seniority schedules. Merit-based promotions and raises encourage hard work and help put the best workers in the most sensitive positions. However, unions prefer seniority-based promotions. States should not be forced to bargain over this issue.
- 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.
- The PSEECA may deter or even eliminate the formation of volunteer firefighter organizations. Firefighter 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, the PSEECA would make it easier for unions to crack down on volunteer firefighting.

Economic Effects:

- The PSEECA imposes an expensive unfunded mandate on state and local governments.
- Without providing financing for the mandate, the act would force these governments to either cut services or raise taxes.
- The act prevents employers from hiring workers who would do the same job for less than union wages, thus undermining potentially more qualified competition.
- 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.

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