

# Union Calendar No. 143

110TH CONGRESS  
1ST SESSION

# H. R. 980

[Report No. 110-232]

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2007

Mr. KILDEE (for himself and Mr. DUNCAN) introduced the following bill;  
which was referred to the Committee on Education and Labor

JULY 13, 2007

Additional sponsors: Mr. HOLT, Mr. SAXTON, Mr. MOORE of Kansas, Mr. LATOURETTE, Mr. DAVIS of Illinois, Mr. LIPINSKI, Mr. MELANCON, Mr. JOHNSON of Georgia, Mr. RAMSTAD, Ms. JACKSON-LEE of Texas, Mr. COSTELLO, Mr. HARE, Mr. BRADY of Pennsylvania, Mr. DAVIS of Alabama, Ms. SUTTON, Mr. WELLER of Illinois, Ms. SCHWARTZ, Mr. GERLACH, Mr. SHAYS, Mr. LOBIONDO, Mr. WELCH of Vermont, Mrs. CAPPS, Mr. MATHESON, Mr. PLATTS, Mr. HILL, Mr. RENZI, Mr. CLAY, Mr. CLEAVER, Mr. GRAVES, Mr. VISCLOSKY, Mr. ROSS, Mr. LEVIN, Mr. YARMUTH, Mr. TOM DAVIS of Virginia, Mrs. WILSON of New Mexico, Ms. HARMAN, Mr. SMITH of Washington, Mr. PORTER, Mr. DOYLE, Mr. VAN HOLLEN, Mr. ROTHMAN, Ms. BERKLEY, Mr. GEORGE MILLER of California, Mr. SIRES, Mr. FATTAH, Mr. McDERMOTT, Ms. SCHAKOWSKY, Mr. BAIRD, Mr. DENT, Ms. CORRINE BROWN of Florida, Mr. PALLONE, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. GRIJALVA, Mr. OBERSTAR, Ms. DELAURO, Mr. SKELTON, Mrs. MALONEY of New York, Mr. GENE GREEN of Texas, Mr. EMANUEL, Mr. FILNER, Mr. UDALL of New Mexico, Mr. ALLEN, Ms. MCCOLLUM of Minnesota, Mr. KIND, Mr. FARR, Mrs. NAPOLITANO, Mr. CHANDLER, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. FOSSELLA, Mr. PRICE of North Carolina, Mr. FERGUSON, Mr. LAHOOD, Mrs. MILLER of Michigan, Mr. ROSKAM, Mr. RYAN of Wisconsin, Mr. ENGLISH of Pennsylvania, Mr. LOEBSACK, Ms. HERSETH SANDLIN, Mr. SARBANES, Mr. JOHNSON of Illinois, Mr. KING of New York, Mr. MCHUGH, Mr. BERMAN, Mr. TIM MURPHY of Pennsylvania, Mr. SHIMKUS, Mr. BONNER, Ms. BEAN, Mr.

CARNAHAN, Mrs. EMERSON, Ms. WASSERMAN SCHULTZ, Mr. LARSEN of Washington, Mr. DAVIS of Kentucky, Mrs. BIGGERT, Mr. MCGOVERN, Mr. TERRY, Mr. MICHAUD, Ms. GIFFORDS, Mr. HIGGINS, Mr. DICKS, Mr. ROGERS of Michigan, Mr. SMITH of New Jersey, Mr. ARCURI, Mr. MCNERNEY, Mr. REICHERT, Mr. MCCOTTER, Mr. WEXLER, Mr. COOPER, Mr. GONZALEZ, Mr. KIRK, Mr. MILLER of North Carolina, Mr. LEWIS of Georgia, Mr. RYAN of Ohio, Mr. PAYNE, Mr. MEEK of Florida, Mr. DAVID DAVIS of Tennessee, Mr. RAHALL, Mrs. DAVIS of California, Mr. POMEROY, Ms. SOLIS, Mr. GORDON of Tennessee, Mr. MEEKS of New York, Mr. BISHOP of New York, Mr. COURTNEY, Mr. PETRI, Mr. BRALEY of Iowa, Mr. SULLIVAN, Mr. WU, Mr. WAXMAN, Mr. PASTOR, Mr. POE, Mr. CUMMINGS, Ms. WOOLSEY, Ms. BALDWIN, Mr. WALSH of New York, Mr. BOSWELL, Mr. TIAHRT, Mr. SPACE, Mr. WILSON of Ohio, Mr. HOLDEN, Mr. TIERNEY, Mr. LARSON of Connecticut, Mr. DONNELLY, Mr. MURPHY of Connecticut, Mr. INSLEE, Mr. LINCOLN DIAZ-BALART of Florida, Ms. HIRONO, Mr. SHULER, Mr. HINOJOSA, Mr. KUCINICH, Mrs. CAPITO, Mr. GALLEGLY, Mr. WATT, Mrs. MCCARTHY of New York, Ms. HOOLEY, Mr. LINCOLN DAVIS of Tennessee, Ms. ROSLEHTINEN, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. DEFazio, Mr. COHEN, Mr. HASTINGS of Florida, Mr. BLUMENAUER, Mr. MARIO DIAZ-BALART of Florida, Ms. ZOE LOFGREN of California, Mr. HONDA, Ms. MATSUI, Mr. LEWIS of Kentucky, Mr. BUCHANAN, Mr. SHERMAN, Mr. ALTMIRE, Mr. ANDREWS, Mr. ELLSWORTH, Mr. YOUNG of Alaska, Mr. MORAN of Virginia, Mr. RUSH, Mr. CARDOZA, Mr. CROWLEY, Mr. OLVER, Mr. BACA, Ms. SHEA-PORTER, Mr. CAPUANO, Mr. PASCRELL, Ms. SLAUGHTER, Mr. BERRY, Ms. CARSON, Mr. BARROW, Ms. PRYCE of Ohio, Mr. SESTAK, Ms. KILPATRICK of Michigan, Mr. HODES, Mrs. BACHMANN, Mr. PATRICK MURPHY of Pennsylvania, Mr. MURTHA, Mr. SERRANO, Mr. BUTTERFIELD, Mr. KAGEN, Mr. LANTOS, Mr. SCHIFF, Mr. BISHOP of Georgia, Mr. McNULTY, Mrs. GILLIBRAND, Mr. DINGELL, Mr. RUPPERSBERGER, Mr. PETERSON of Minnesota, Mr. ENGEL, Mrs. CHRISTENSEN, Ms. WATSON, Ms. LEE, Mr. KENNEDY, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. ISRAEL, Mr. ACKERMAN, Mr. WHITFIELD, Mr. MAHONEY of Florida, Ms. NORTON, Mr. WALZ of Minnesota, Ms. CLARKE, Mr. UDALL of Colorado, Mr. UPTON, Mr. KUHLMANN of New York, Mr. PERLMUTTER, Mr. SHUSTER, Mr. ALEXANDER, Mr. CUELLAR, Mr. THOMPSON of California, Ms. DEGETTE, Mr. AL GREEN of Texas, Mr. ORTIZ, Mr. WYNN, Mr. REYES, Mr. HOEKSTRA, Mr. REYNOLDS, Mr. FRANK of Massachusetts, Mr. STUPAK, Mr. SALAZAR, Mr. SNYDER, Mr. ELLISON, Mr. GUTIERREZ, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. TURNER, Mr. BOREN, Mr. JEFFERSON, Mr. HALL of New York, Mr. STARK, Ms. CASTOR, Mr. MEEHAN, Mr. CAMP of Michigan, Mr. DELAHUNT, Mr. HINCHEY, Mr. RANGEL, Mr. REHBERG, Ms. MOORE of Wisconsin, Mr. SCOTT of Virginia, Mr. KELLER, Mr. JACKSON of Illinois, Mr. NEAL of Massachusetts, Mrs. LOWEY, Mr. HUNTER, Mr. LANGEVIN, Mr. BECERRA, Mr. LYNCH, Mrs. JONES of Ohio, Mr. KLEIN of Florida, Mrs. BONO, Mr. PEARCE, Mr. WEINER, Mr. CRAMER, Mr. NADLER, Ms. WATERS, Ms. ESHOO, Mr. COLE of Oklahoma, and Mr. LAMPSON

JULY 13, 2007

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 12, 2007]

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## 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 Employer-*  
5 *Employee Cooperation Act of 2007”.*

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

7 *Congress finds the following:*

8 *(1) Labor-management relationships and part-*  
9 *nerships are based on trust, mutual respect, open*  
10 *communication, bilateral consensual problem solving,*  
11 *and shared accountability. In many public safety*  
12 *agencies it is the union that provides the institutional*  
13 *stability as elected leaders and appointees come and*  
14 *go.*

15 *(2) State and local public safety officers play an*  
16 *essential role in the efforts of the United States to de-*  
17 *tect, prevent, and respond to terrorist attacks, and to*

1        *respond to natural disasters, hazardous materials,*  
2        *and other mass casualty incidents. As the first to ar-*  
3        *rive on scene, State and local public safety officers*  
4        *must be prepared to protect life and property and to*  
5        *preserve scarce and vital Federal resources, avoid sub-*  
6        *stantial and debilitating interference with interstate*  
7        *and foreign commerce, and to protect the national se-*  
8        *curity of the United States. Public safety employer-*  
9        *employee cooperation is essential in meeting these*  
10       *needs and is, therefore, in the National interest.*

11            *(3) The health and safety of the Nation and the*  
12        *best interests of public safety employers and employ-*  
13        *ees may be furthered by the settlement of issues*  
14        *through the processes of collective bargaining.*

15            *(4) The Federal Government is in the position to*  
16        *encourage conciliation, mediation, and voluntary ar-*  
17        *bitration to aid and encourage employers and the rep-*  
18        *resentatives of their employees to reach and maintain*  
19        *agreements concerning rates of pay, hours, and work-*  
20        *ing conditions, and to make all reasonable efforts*  
21        *through negotiations to settle their differences by mu-*  
22        *tual agreement reached through collective bargaining*  
23        *or by such methods as may be provided for in any*  
24        *applicable agreement for the settlement of disputes.*

1           (5) *The potential absence of adequate cooperation*  
2 *between public safety employers and employees has*  
3 *implications for the security of employees, impacts the*  
4 *upgrading of police and fire services of local commu-*  
5 *nities, the health and well-being of public safety offi-*  
6 *cers, and the morale of the fire and police depart-*  
7 *ments, and can affect interstate and intrastate com-*  
8 *merce.*

9           (6) *Many States and localities already provide*  
10 *public safety officers with collective bargaining rights*  
11 *comparable to or greater than the rights and respon-*  
12 *sibilities set forth in this Act, and such State laws*  
13 *should be respected.*

14 **SEC. 3. DEFINITIONS.**

15 *In this Act:*

16           (1) *The term “Authority” means the Federal*  
17 *Labor Relations Authority.*

18           (2) *The term “public safety officer”—*

19                   (A) *means an employee of a public safety*  
20 *agency who is a law enforcement officer, a fire-*  
21 *fighter, or emergency medical services personnel;*

22                   (B) *includes an individual who is tempo-*  
23 *rarily transferred to a supervisory or manage-*  
24 *ment position; and*

1           (C) does not include a permanent super-  
2           visory or management employee.

3           (3) The term “firefighter” has the same meaning  
4           given the term “employee in fire protection activities”  
5           defined in section 3 of the Fair Labor Standards Act  
6           (29 U.S.C. 203(y)).

7           (4) The term “emergency medical services per-  
8           sonnel” means an individual who provides out-of-hos-  
9           pital emergency medical care, including an emer-  
10          gency medical technician, paramedic, or first re-  
11          sponder.

12          (5) The term “law enforcement officer” has the  
13          same meaning given such term in section 1204(5) of  
14          the Omnibus Crime Control and Safe Streets Act of  
15          1968 (42 U.S.C. 3796b(5)).

16          (6) The term “supervisory employee” has the  
17          meaning given such term, or a substantially equiva-  
18          lent term, under applicable State law on the date of  
19          enactment of this Act. In the absence of such State  
20          law on the date of enactment of this Act, the term  
21          means an individual, employed by a public safety  
22          employer, who—

23                 (A) has the authority in the interest of the  
24                 employer to hire, direct, assign, promote, reward,  
25                 transfer, furlough, lay off, recall, suspend, dis-

1           *cipline, or remove public safety officers, to adjust*  
2           *their grievances, or to effectively recommend such*  
3           *action, if the exercise of the authority is not*  
4           *merely routine or clerical in nature but requires*  
5           *the consistent exercise of independent judgment;*  
6           *and*

7                     *(B) devotes a preponderance of employment*  
8           *time exercising such authority.*

9           *(7) The term “management employee” has the*  
10          *meaning given such term, or a substantially equiva-*  
11          *lent term, under applicable State law in effect on the*  
12          *date of enactment of this Act. If no such State law*  
13          *is in effect, the term means an individual employed*  
14          *by a public safety employer in a position that re-*  
15          *quires or authorizes the individual to formulate, de-*  
16          *termine, or influence the policies of the employer.*

17                    *(8) The terms “employer” and “public safety*  
18          *agency” mean any State, political subdivision of a*  
19          *State, the District of Columbia, or any territory or*  
20          *possession of the United States that employs public*  
21          *safety officers.*

22                    *(9) The term “labor organization” means an or-*  
23          *ganization composed in whole or in part of employ-*  
24          *ees, in which employees participate, and the purpose*  
25          *of which is to represent such employees before public*

1     *safety agencies concerning grievances, conditions of*  
2     *employment and related matters.*

3             (10) *The term “substantially provides” means*  
4     *substantial compliance with the rights and respon-*  
5     *sibilities described in section 4(b).*

6     **SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBIL-**  
7             **ITIES.**

8     *(a) DETERMINATION.—*

9             (1) *IN GENERAL.—Not later than 180 days after*  
10     *the date of enactment of this Act, the Authority shall*  
11     *make a determination as to whether a State substan-*  
12     *tially provides for the rights and responsibilities de-*  
13     *scribed in subsection (b). In making such determina-*  
14     *tions, the Authority shall consider the opinion of af-*  
15     *ected employers and labor organizations. Where the*  
16     *Authority is notified by an employer and an affected*  
17     *labor organization that both parties agree that the*  
18     *law applicable to such employer and labor organiza-*  
19     *tion substantially provides for the rights and respon-*  
20     *sibilities described in subsection (b), the Authority*  
21     *shall give such agreement weight to the maximum ex-*  
22     *tent practicable in making its determination under*  
23     *this subsection.*

24             (2) *SUBSEQUENT DETERMINATIONS.—(A) A de-*  
25     *termination made pursuant to paragraph (1) shall*

1       *remain in effect unless and until the Authority issues*  
2       *a subsequent determination, in accordance with the*  
3       *procedures set forth in subparagraph (B).*

4               *(B) An employer or a labor organization may*  
5       *submit a written request for a subsequent determina-*  
6       *tion, on the basis of a material change in State law*  
7       *or its interpretation. If the Authority determines that*  
8       *a material change in State law or its interpretation*  
9       *has occurred, the Authority shall issue a subsequent*  
10       *determination not later than 30 days after receipt of*  
11       *such request.*

12               *(3) JUDICIAL REVIEW.—Any person aggrieved by*  
13       *a determination of the Authority under this section*  
14       *may, during the 60-day period beginning on the date*  
15       *on which the determination was made, petition any*  
16       *United States Court of Appeals in the circuit in*  
17       *which the person resides or transacts business or in*  
18       *District of Columbia circuit, for judicial review. In*  
19       *any judicial review of a determination by the Author-*  
20       *ity, the procedures contained in section 7123(c) of*  
21       *title 5, United States Code, shall be followed.*

22               *(b) RIGHTS AND RESPONSIBILITIES.—In making a de-*  
23       *termination described in subsection (a), the Authority shall*  
24       *consider a State's law to provide adequate rights and re-*  
25       *sponsibilities unless such law fails to substantially provide*

1 *rights and responsibilities comparable to or greater than*  
2 *each of the following:*

3           (1) *Granting public safety officers the right to*  
4 *form and join a labor organization, which may ex-*  
5 *clude management and supervisory employees, that is,*  
6 *or seeks to be, recognized as the exclusive bargaining*  
7 *representative of such employees.*

8           (2) *Requiring public safety employers to recog-*  
9 *nize the employees' labor organization (freely chosen*  
10 *by a majority of the employees), to agree to bargain*  
11 *with the labor organization, and to commit any*  
12 *agreements to writing in a contract or memorandum*  
13 *of understanding.*

14           (3) *Providing for bargaining over hours, wages,*  
15 *and terms and conditions of employment.*

16           (4) *Making available an interest impasse resolu-*  
17 *tion mechanism, such as fact-finding, mediation, ar-*  
18 *bitration, or comparable procedures.*

19           (5) *Requiring enforcement through State courts*  
20 *of—*

21                   (A) *all rights, responsibilities, and protec-*  
22 *tions provided by State law and enumerated in*  
23 *this subsection; and*

24                   (B) *any written contract or memorandum*  
25 *of understanding.*

1       (c) *FAILURE TO MEET REQUIREMENTS.*—

2           (1) *IN GENERAL.*—*If the Authority determines,*  
3       *acting pursuant to its authority under subsection (a),*  
4       *that a State does not substantially provide for the*  
5       *rights and responsibilities described in subsection (b),*  
6       *such State shall be subject to the regulations and pro-*  
7       *cedures described in section 5.*

8           (2) *EFFECTIVE DATE.*—*Paragraph (1) shall*  
9       *apply in each State on the later of—*

10           (A) *2 years after the date of enactment of*  
11       *this Act; or*

12           (B) *the date of the end of the first regular*  
13       *session of the legislature of that State that begins*  
14       *after the date of the enactment of this Act.*

15 **SEC. 5. ROLE OF THE AUTHORITY.**

16       (a) *IN GENERAL.*—*Not later than 1 year after the date*  
17       *of the enactment of this Act, the Authority shall issue regu-*  
18       *lations establishing procedures which provide the rights and*  
19       *responsibilities described in section 4(b) for public safety*  
20       *employers and officers in States which the Authority has*  
21       *determined, acting pursuant to its authority under section*  
22       *4(a), do not substantially provide for such rights and re-*  
23       *sponsibilities.*

24       (b) *ROLE OF THE FEDERAL LABOR RELATIONS AU-*  
25       *THORITY.*—*The Authority, to the extent provided in this Act*

1 *and in accordance with regulations prescribed by the Au-*  
2 *thority, shall—*

3           (1) *determine the appropriateness of units for*  
4 *labor organization representation;*

5           (2) *supervise and conduct elections to determine*  
6 *whether a labor organization has been selected as an*  
7 *exclusive representative by a voting majority of the*  
8 *employees in an appropriate unit;*

9           (3) *resolve issues relating to the duty to bargain*  
10 *in good faith;*

11           (4) *conduct hearings and resolve complaints of*  
12 *unfair labor practices;*

13           (5) *resolve exceptions to the awards of arbitra-*  
14 *tors;*

15           (6) *protect the right of each employee to form,*  
16 *join, or assist any labor organization, or to refrain*  
17 *from any such activity, freely and without fear of*  
18 *penalty or reprisal, and protect each employee in the*  
19 *exercise of such right;*

20           (7) *if the Authority finds that any State is not*  
21 *in compliance with the regulations prescribed under*  
22 *subsection (a), direct compliance by such State by*  
23 *order; and*

24           (8) *take such other actions as are necessary and*  
25 *appropriate to effectively administer this Act, includ-*

1     *ing issuing subpoenas requiring the attendance and*  
2     *testimony of witnesses and the production of docu-*  
3     *mentary or other evidence from any place in the*  
4     *United States, and administering oaths, taking or or-*  
5     *dering the taking of depositions, ordering responses to*  
6     *written interrogatories, and receiving and examining*  
7     *witnesses.*

8     *(c) ENFORCEMENT.—*

9             *(1) PETITION BY AUTHORITY.—If a State fails to*  
10     *comply with a final order issued by the Authority, the*  
11     *Authority shall petition any United States Court of*  
12     *Appeals with jurisdiction over the parties or the*  
13     *United States Court of Appeals for the District of Co-*  
14     *lumbia Circuit to enforce any final orders under this*  
15     *section, and for appropriate temporary relief or a re-*  
16     *straining order. Any petition under this section shall*  
17     *be conducted in accordance with section 7123(c) and*  
18     *(d) of title 5, United States Code, except that any*  
19     *final order of the Authority with respect to questions*  
20     *of fact shall be found to be conclusive unless the court*  
21     *determines that the Authority's decision was arbi-*  
22     *trary and capricious.*

23             *(2) RIGHT OF ACTION.—Unless the Authority has*  
24     *filed a petition for enforcement as provided in para-*  
25     *graph (1), any interested party shall have the right*

1       to file suit against any political subdivision of a  
2       State, or, if the State has waived its sovereign immu-  
3       nity, against the State itself, in any district court of  
4       the United States of competent jurisdiction to enforce  
5       compliance with the regulations issued by the Author-  
6       ity pursuant to subsection (b), to enforce compliance  
7       with any order issued by the Authority pursuant to  
8       this section, or to enforce section 6 of this Act. The  
9       right provided by this paragraph to bring a suit to  
10      enforce compliance with any order issued by the Au-  
11      thority pursuant to this section shall terminate upon  
12      the filing of a petition seeking the same relief by the  
13      Authority under paragraph (1).

14   **SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.**

15       Notwithstanding any rights or responsibilities pro-  
16      vided under State law or under regulations issued by the  
17      Authority under section 5—

18           (1) a public safety employer may not engage in  
19      a lockout of public safety officers;

20           (2) public safety officers may not engage in a  
21      strike against such public safety employer; and

22           (3) a labor organization may not call for a  
23      strike by public safety officers against their public  
24      safety employer.

1 **SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND**  
2 **AGREEMENTS.**

3 *This Act and the regulations issued under this Act*  
4 *shall not be construed to invalidate a certification, recogni-*  
5 *tion, collective bargaining agreement, or memorandum of*  
6 *understanding which has been issued, approved, or ratified*  
7 *by any public employee relations board or commission or*  
8 *by any State or political subdivision or its agents (manage-*  
9 *ment officials) in effect on the day before the date of enact-*  
10 *ment of this Act, or the results of any election held before*  
11 *the date of enactment of this Act.*

12 **SEC. 8. CONSTRUCTION, COMPLIANCE, AND ENFORCEMENT.**

13 *(a) CONSTRUCTION.—Nothing in this Act or the regu-*  
14 *lations issued under this Act shall be construed—*

15 *(1) to preempt or limit the remedies, rights, and*  
16 *procedures of any law of any State or political sub-*  
17 *division of any State or jurisdiction that substan-*  
18 *tially provides greater or comparable rights and re-*  
19 *sponsibilities described in section 4(b);*

20 *(2) to prevent a State from enforcing a State law*  
21 *which prohibits employers and labor organizations*  
22 *from negotiating provisions in a labor agreement that*  
23 *require union membership or payment of union fees*  
24 *as a condition of employment;*

25 *(3) to preempt any State law in effect on the*  
26 *date of enactment of this Act that substantially pro-*

1 *vides for the rights and responsibilities described in*  
2 *section 4(b) solely because—*

3 *(A) such State law permits an employee to*  
4 *appear in his or her own behalf with respect to*  
5 *his or her employment relations with the public*  
6 *safety agency involved;*

7 *(B) such State law excludes from its cov-*  
8 *erage employees of a state militia or national*  
9 *guard;*

10 *(C) such rights and responsibilities have not*  
11 *been extended to other categories of employees*  
12 *covered by this Act, in which case the Authority*  
13 *shall only exercise the powers provided in section*  
14 *5 of this Act with respect to those categories of*  
15 *employees who have not been afforded the rights*  
16 *and responsibilities described in section 4(b); or*

17 *(D) such laws or ordinances provide that a*  
18 *contract or memorandum of understanding be-*  
19 *tween a public safety employer and a labor orga-*  
20 *nization must be presented to a legislative body*  
21 *as part of the process for approving such con-*  
22 *tract or memorandum of understanding;*

23 *(4) to permit parties subject to the National*  
24 *Labor Relations Act (29 U.S.C. 151 et seq.) and the*  
25 *regulations under such Act to negotiate provisions*

1       that would prohibit an employee from engaging in  
2       part-time employment or volunteer activities during  
3       off-duty hours;

4             (5) to require a State to rescind or preempt laws  
5       or ordinances of any of its political subdivisions if  
6       such laws substantially provide rights and respon-  
7       sibilities for public safety officers that are comparable  
8       to or greater than the rights and responsibilities enu-  
9       merated in section 4(b) of this Act; or

10            (6) preempt any State law that substantially  
11       provides for the rights and responsibilities described  
12       in section 4(b) solely because such law does not re-  
13       quire bargaining with respect to pension and retire-  
14       ment benefits.

15       (b) *PARTIAL EXEMPTION.*—A State may exempt from  
16       its State law, or from the requirements established under  
17       this Act, a political subdivision of the State that has a pop-  
18       ulation of less than 5,000 or that employs fewer than 25  
19       full time employees. For purposes of this subsection, the  
20       term “employees” includes each individual employed by the  
21       political subdivision except any individual elected by pop-  
22       ular vote or appointed to serve on a board or commission.

23       (c) *ENFORCEMENT.*—Notwithstanding any other pro-  
24       vision of the Act, and in the absence of a waiver of a State’s  
25       sovereign immunity, the Authority shall have the exclusive

1 *power to enforce the provisions of this Act with respect to*  
2 *public safety officers employed by a State.*

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 *There are authorized to be appropriated such sums as*  
5 *may be necessary to carry out the provisions of this Act.*



Union Calendar No. 143

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 980**

[Report No. 110-232]

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## **A BILL**

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

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JULY 13, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed