

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS



Testimony of

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on

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Employer-Employee Cooperation Act of 2009

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Introduction

Thank you Chairman Andrews, Ranking Member Price, and distinguished members of the Subcommittee for calling this hearing and for inviting me to testify. My name is Jim Tate and I have served the community of Fort Worth, Texas for 25 years as a fire fighter in the Fort Worth Fire Department. I have held the rank of Battalion Chief for the last 11 years. During my time with the Department, I have had the privilege to serve as President of Fort Worth Professional Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 440 for 14 years. I also bring experience serving on standards-setting committees, such as the National Fire Protection Association's Committee on Bunker Gear, which publish national consensus standards on issues like personal protective equipment, minimum staffing, training, fitness, incident command, and other fire service issues. I have experience peer-reviewing homeland security grant applications, as well.

Let me begin by giving you some background on my department. The Fort Worth Fire Department has a history of strong fire protection services. The City of Fort Worth is the fifth largest city in the state of Texas. Our fire department dates back to 1873, and became a professional department just before the turn of the century, in 1893. We protect a population of over 700,000, and growing, spanning 344 square miles. We have 42 stations in 6 battalions. Our department employs 468 fire fighters, 201 engineers, 122 lieutenants, 86 captains, 24 battalion chiefs, and 3 deputy fire chiefs. Our department specializes in aircraft rescue firefighting, swift water rescue, technical rescue, explosive ordnance disposal, and hazardous materials responses.

We are a busy department. In 2008, we responded to over 3,000 fire calls and in excess of 50,000 EMS calls. As far as our response times go, we are providing emergency services to the citizens of Fort Worth more quickly and more effectively than ever before. The share of sub-five minute response times has grown from 62% in 2007 to an estimated 75% in 2010. We recently opened the doors of two new fire stations in North Fort Worth, to improve our department's ability to deploy aerial apparatus to northern areas of the City, reducing response times for calls requiring that apparatus by 20 to 30 minutes.

Fire Fighters and Collective Bargaining

I have spent the better part of my career in the Fort Worth Fire Department without access to collective bargaining. So collective bargaining is relatively new to me. Looking back, even with just a preview of what collective bargaining can do in one agreement with the City, I would say that at the very least, a municipality without collective bargaining is missing an opportunity to improve on the delivery of emergency services. But more than that, withholding the right to collectively bargain is a denial of a measure of fairness and dignity to fire fighters who put their lives on the line day in and day out for the communities they serve. We care deeply about serving our cities and protecting our neighbors. That is why we swear to an oath to protect our cities. That is why we report to work and take the kinds of risks we take. We train, we prepare, and we work to sacrifice for our fellow citizens.

For so long our voices have been shut out from what we consider a core right: the right to be heard on the job. Not only do we want competitive wages and benefits, but every fire

fighter in this country is a trained expert in what they do. They are well-trained. They have seen it all. And they have the stories to show for it. The more points-of-view and experiences from boots on the ground on staffing issues, equipment issues, operations issues, and benefit issues, the more informed we are as a city and the better the solutions we will achieve together. You would be surprised at what a little dialogue can do. Dialogue can work wonders. It keeps safety and morale at the forefront of the delivery of emergency services, where dialogue is critical because so much is at stake. When it comes to public safety, the more voices and perspectives that are in the room when decisions are made, the more problems a city can solve, and the more cost-effectively they can solve them.

And at the same time, collective bargaining protects fire fighters. The dangers that public safety professions pose make collective bargaining an essential tool to protect the health and safety of frontline responders. The dangers we face and the toll those hazards take on the men and women on the frontlines make our profession the nation's most hazardous occupation. The statistics illustrate just how perilous this job is. Almost one-third of our members suffer injuries in the line of duty every year. Ninety-three of my brother and sister fire fighters paid the ultimate price in 2009, including 3 of my Houston brothers. Ten have fallen in the line of duty already in 2010.

Fire fighters take these risks for one reason: we are dedicated to protecting the health and safety of our neighbors and our communities. It is this same dedication and commitment to public safety – and our own safety – that we bring to the bargaining table. The issues that are most important to us go beyond wages and benefits. We are more focused on how we can respond to emergencies more effectively and more safely, to improve the caliber of service that we provide to our communities.

Our job is to take the unthinkable, life-threatening risks so others don't have to. We believe we have valuable perspectives to share. We think those perspectives are simply worthy of a city's ear. We want to make certain that the unparalleled experiences, stories, and best practices from the frontlines are considered when decisions about public safety are made. That is precisely what we in Fort Worth now have and what H.R. 413 makes certain: that frontline responders have a direct line of communication with their employers about how they do their jobs and how they protect the public. This bill stands for the principle that we deserve this right and that this right helps protect the public.

Collective Bargaining in Fort Worth

In November 2007, a majority of the citizens of Fort Worth voted, as is the law in Texas, to give us a right to collectively bargain with the City. When we won collective bargaining in Fort Worth, we became the 22nd city in Texas to ratify collective bargaining. About a year after we prevailed in the referendum, we started discussions with the City and now we are on the cusp of signing our inaugural agreement.

In 2007, we won the right to be treated with dignity, the right to have a meaningful say in how we protect ourselves and in how we protect the public. Fort Worth and its fire fighters are a stronger partnership now working toward the same goal: to protect the citizens as safely and

effectively as humanly possible within the City's means. What we did not win is a right to run roughshod over the City budget, or to force the City to agree to anything it cannot afford. We still answer to the City Council and to the City. What we are now is a key partner in how decisions are made.

When we bargained with the City for the first time in the history of the City of Fort Worth in the fall of 2008, we had one goal that overshadowed all others: protect safe staffing levels. It is almost impossible to understate what minimum staffing means to public safety. It has been well-documented that minimum staffing is essential for safe and effective emergency response. Safe staffing levels protect the lives of fire fighters and the lives of the citizens of Fort Worth. Our mayor, Mike Moncrief, said it best in his State of the City speech a couple weeks ago, "Safe communities are also defined by the quality of fire services." We think minimum staffing will help define the City of Fort Worth as one of the safest communities in our state.

We went in to our very first negotiation willing to sacrifice wages and benefits, if need be, to preserve that model fire protection standard. I am proud to report that we are close to becoming one of only two agreements in the state of Texas that will guarantee that four fire fighters will ride on every rig, in line with National Fire Protection standard 1710. And I credit collective bargaining with making this goal reachable.

Let me say that cities can and do deliver emergency services without collective bargaining in other cities in Texas and elsewhere in the South. I cannot testify to you that collective bargaining single-handedly cured all of the challenges that the Fort Worth Fire Department faced overnight. But it does give us a framework to address those challenges. And it certainly has changed the tone, and has opened a dialogue that is valuable to the fire fighters I represent and to the taxpayers who pay my salary. If we achieve minimum staffing in our first agreement, I can only imagine what strides we can accomplish in the next 10 to 20 years.

My experience has shown me that collective bargaining is a guaranteed lifeline of communication that can be—and should be—put to use to improve the delivery of emergency services to protect fire fighters and citizens alike.

Setting the Record Straight

During our campaign for collective bargaining rights, our fellow citizens were flooded with misinformation and scare tactics about collective bargaining. They were told that property tax rates would go up. They were told that Texas is a right-to-work state and that fire fighter collective bargaining would allow unions to dominate and bankrupt Fort Worth. They were told that collective bargaining would drive out business and hamper growth. Every one of their contentions has been proven false.

The fact is, the cities in Texas with collective bargaining in place have some of the lowest tax rates in the state. And Houston and Austin, both places where voters approved collective bargaining rights for their fire fighters, have witnessed steady growth since collective bargaining was enacted. Collective bargaining and right-to-work are not diametrically opposed, as some believe. Fort Worth Fire Department and the other 21 departments in Texas and those

departments that bargain in other right-to-work states can attest that a basic collective bargaining system can thrive in a right-to-work state.

We also heard from our opponents that unions would have veto power over responding to emergencies. This is just plain absurd. As a battalion chief myself, I can tell you that my first and most important responsibility is to my community and to my city. When we run calls and coordinate emergency responses, our only concern is keeping the citizens safe and keeping our fire fighters safe. Collective bargaining could not be further from our minds in those emergency situations. I value these commitments more than I can say. To me, the notion that collective bargaining would throw a wrench into emergency responses and give the union veto over a response is beyond the pale, plain and simple.

We even heard from those opposing the ballot measure that extending basic collective bargaining rights to fire fighters would lead to strikes. These claims are equally as absurd and border on offensive. This bill prohibits strikes, and so does our law in Fort Worth. I don't know how many strike prohibitions it takes to make this argument go away. Going on strike betrays the fire fighter ethic and it contradicts who we are and why we serve. No fire fighter I know believes in strikes. And even if we did, having collective bargaining eliminates what might drive a worker to strike in the first place: not being heard at work. Collective bargaining destroys the motivation behind strikes. It prevents strikes because it provides a forum to address issues and concerns. With collective bargaining, there are differences, but they do not fester, they can be resolved.

We also heard that collective bargaining would force Fort Worth to accept agreements it cannot afford and mandate tax increases. The only thing that the Fort Worth law and the bill the Subcommittee is studying today mandates is a forum to talk through issues important to the fire fighters and to the City. We are in this together. And the City maintains full control over its budget. Although Fort Worth has not seen budget pains on the same scale as other cities during this Great Recession, I can tell you that we would adjust our requests to the City's budget realities and offer ideas tailored to the economic shape the City is in. Fire fighters are taxpayers, too. We will always work with the City to solve those problems because we are all in the same boat.

Although I strongly disagreed with the arguments the opposition espoused, it was generally a respectful and courteous debate. Fortunately the voters of our conservative city agreed that we deserve a voice at work and that collective bargaining is an essential element in labor and management working together on behalf of the City.

Conclusion

The bottom line, to me, is that collective bargaining is a process that solves problems and gives a measure of dignity and fairness to public safety officers who risk so much for the sake of their fellow citizens.

Collective bargaining may not provide all of the answers. But at a minimum, it puts the community on the best path to reach them. And it is the public safety community's best and

proven tool to enable labor and management to come together for their mutual benefit. It is a conversation and relationship facilitator, two things that are absolutely indispensable in the fire service and in the rest of the public safety community. Nowhere is the relationship between management and labor more important than in the delivery of emergency services when lives are at stake. As much as detractors may argue that a collective bargaining forum forces the City to agree to something, they cannot change the fact that, in this entire process, at every step of the way, ultimate control still rests with the City, not the fire fighters, and not anyone else.

What our Fort Worth fire fighters asked for in 2007 and what this bill asks for is one and the same: a simple forum to talk through issues that affect all of us. And it gives states and localities the flexibility to get there on their own.

So I suppose you could boil what we have in Fort Worth and what this bill requires down to the saying: a good process produces a good outcome. And when the outcome is necessarily life and death, the process is that much more vital. When rank-and-file fire fighters have a meaningful role in municipal decision-making, everyone is better off. Fire fighters are safer. Citizens are safer. The community is safer. And the nation is safer. Collective bargaining is the right thing to do by our public safety officers and it is a trademark of an effective emergency response system.