

**TESTIMONY OF DOUG STAFFORD
BEFORE THE HOUSE SUBCOMMITTEE ON
HEALTH, EMPLOYMENT, LABOR AND PENSIONS
REGARDING H.R. 413**

Mr. Chairman, Members of the House Subcommittee on Health, Employment, Labor and Pensions, thank you for the opportunity to speak to you today regarding H.R. 413, the so-called "Public Safety Employer-Employee Cooperation Act," which might be more accurately named the "Police and Firefighter Monopoly Bargaining Bill."

As Vice President of the National Right to Work Committee, I'd like to take a few moments to explain why the Committee -- and our 2.2 million members -- oppose H.R. 413.

First, let's be clear. The ultimate goal of this legislation is to force every firefighter and police officer in the country under union boss control, whether the individual public safety officers want it or not. And whether state and local governments want it or not.

If enacted into law, H.R. 413 and S. 1611 would force monopoly bargaining on every policeman, firefighter, and emergency medical technician (EMT) in the country, putting them under the monopoly control of union bosses.

Under monopoly bargaining, individual workers lose the power to speak for themselves in dealing with their employers, to the detriment of workers and taxpayers.

In addition to imposing monopoly bargaining on countless workers, and most relevant to this hearing and this Congress, H.R. 413 and its companion bill in the Senate, S. 1611, would override state labor laws across the country.

Let's be clear. The other side will tell you this is not about overriding state law. That's a lie. Not a mistake, or a dispute of facts, but a lie.

Currently, the state and local governments have the authority to enter into monopoly bargaining agreements. Many have chosen to do so, some, like my home state of Virginia, have not.

In both cases, this should be their right. These workers work for the local and state governments, and it is impossible if looking at this fairly to see how this is the federal

government's business at all.

Yet, under HR 413, the federal government would have broad power to impose the terms and conditions of employment for public safety workers on towns, cities, and counties all over America.

In fact, H.R. 413 and S. 1611 would grant the Federal Labor Relations Authority (FLRA) oversight of the labor-management laws of public safety workers in political subdivisions across the country, stripping localities of the right to govern themselves.

Any state or local government found not to be in compliance with so-called "core provisions" of this legislation would lose its autonomy in its own labor relations to the FLRA.

And this power comes with a price -- H.R. 413 and S. 1611 would also have a detrimental impact on the budgets of state and local governments.

A Maryland study conducted by the Department of Fiscal Services, for instance, found that monopoly bargaining would cost the taxpayers between 1.3 and 1.4 million dollars in annual process costs for only 12 "bargaining units" of state employees.

H.R. 413 and S. 1611 would create an almost unimaginable number of new "bargaining units" at a process cost impossible to estimate.

But we can look to places like Vallejo, California -- where union bosses have already been granted control over public safety workers -- to make an educated guess.

Last year, Vallejo went bankrupt after nearly 75% of its budget was spent on unionized police and firefighters!

And today, despite a \$26 billion state budget deficit, out-of-control public sector union bosses aren't shouldering cuts or taking blame for the problems they've caused -- they're threatening strikes!

In other states where union bosses have been granted monopoly bargaining privileges over public sector workers, we're seeing the exact same thing.

In fact, the Mayor of Lancaster, Pennsylvania recently stated that these struggling cities are quote "handcuffed" end

quote by public sector monopoly bargaining.

Put simply, passage of the Police and Firefighter Monopoly Bargaining Bill could be the last economic straw for already struggling communities.

Can anyone here really say with a straight face that imposing union monopoly bargaining is going to LOWER the cost of government?

During these troubled economic times, passage of the Police and Firefighter Monopoly Bargaining Bill is the last thing we need.

But fiscal damage isn't the only thing our communities will have to worry about should this bill become law.

In addition, H.R. 413 and S. 1611 would only serve to harm volunteer firefighters and the cities and towns in which they serve.

While some are attempting to mislead Members of Congress by claiming otherwise, H.R. 413 and S. 1611 do not protect volunteer firefighting.

Section 8(a)(5) only pretends to by saying that "Nothing in this Act shall be construed . . . to permit parties in States subject to the regulations and procedures described in section 5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours."

Unfortunately, this clause is totally meaningless.

Saying that "Nothing in this Act shall be construed" to permit agreements prohibiting public employee firefighters from volunteering off duty does not prohibit such agreements, nor does it prohibit local or state ordinances or laws that ban volunteering.

In addition, it does not prevent the IAFF from punishing and discriminating against its members who work with volunteers, even in their off-duty hours, which is clearly called for in their own constitution.

The only way to protect volunteer firefighters would be to add a requirement that states protect the right of individual

firefighters to engage in part-time employment or volunteer activities during off-duty hours, without fear of reprisal from any employer or labor organization; and refuse to certify as an exclusive bargaining agent any labor organization that retaliates against, discriminates against, or disciplines its members for engaging in part-time employment or volunteer activities during off-duty hours.

Finally, while this legislation claims to have a ban on strikes, there's ample evidence that this ban simply would not work.

As we've seen time and time again, legal provisions allegedly intended to ban strikes have always proven useless in states and localities where public sector monopoly bargaining is authorized.

Union bosses simply refuse to call off their illegal strikes against vital services until all their demands are met -- including amnesty for themselves and their followers.

In fact, states enacting laws that mandate monopoly bargaining have experienced a 400% increase in strikes against public services.

Even former Congressman William Clay, the ranking member of the Education and Workforce Committee and cosponsor of the same legislation in the 106th Congress, admitted the "no-strike" clause is meaningless. He said, and I quote:

I don't think any employee is going to give up his right to strike . . . I don't care how you legislate against strikes. Most states now have legislation prohibiting strikes but, in effect, in reality, they have not stopped strikes.

So it is clear from our experience on the state level, such a band is utterly meaningless.

Monopoly bargaining was developed for the private sector. As destructive as that model has proven, it's even more dangerous when exercised in the public sector.

As *Forbes* magazine noted, "Precisely because of the obvious potential for abuse, even labor union advocates like AFL-CIO President George Meany and Franklin D. Roosevelt viewed unionization of the public sector as unthinkable."

Now, members of this Committee can agree or disagree with that statement. But whether you agree, you must ask yourself - is this sound public policy to override the laws of states across the country? Is it wise to impose yet more unfunded federal mandates on our struggling local and state governments? Or is this simply yet another in a long line of paybacks to union bosses.

In the interest of sound public policy, I strongly urge you to oppose H.R. 413, the misnamed "Public Safety Employer-Employee Cooperation Act."