



Collective Bargaining Bill Introduced In Senate



Former PBA attorney Bill Johnson is the Executive Director of NAPO.

The National Association of Police Organizations (NAPO) is a coalition of law enforcement unions and associations from across the United States that serves to advance the interests of America's law enforcement and corrections officers through legislative and legal advocacy, political action and education. Founded in 1978, NAPO now represents more than 2,000 police unions and associations, 236,000 sworn law enforcement officers, 11,000 retired officers and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement. Florida PBA, Palm Beach County PBA, and Dade County PBA are members of NAPO.

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On August 6, 2009, just weeks before he died after a lengthy battle with brain cancer, **Senator Ted Kennedy** (D-MA), together with **Senator Judd Gregg** (R-NH), introduced the Public Safety Employer-Employee Cooperation Act, S. 1611.

The death of Senator Kennedy, our long-time champion of the Collective Bargaining bill, is truly unfortunate, but his staff and colleagues in the Senate have vowed to carry on his legacy and move this bill forward. Senator Gregg will lead the push with the assistance of **Senator Chris Dodd** (D-CT), and **Senator Tom Harkin** (D-IA), the new chairman of the Senate Health, Education, Labor and Pensions Committee.

A few substantive changes were made with an eye toward protecting existing collective bargaining laws and giving States even more flexibility to craft their own law. These changes include:

- **Presumption of compliance.** The legislation includes language from the House bill, H.R. 413, presuming that existing State laws are in compliance with the federal standards unless the Federal Labor Relations Authority (FLRA) affirmatively finds that they are not. This provision adds yet another layer of protection for existing State collective bargaining laws.
- **Limit FLRA authority.** The legislation clarifies that the FLRA can only evaluate State laws based on the minimum standards in the bill, and nothing else. The FLRA could not create new requirements and then impose them on States.
- **Labor-management agreement given maximum weight.** When deciding whether a State law complies with the Act's minimum standards, the FLRA must now give maximum weight to an agreement between management and labor that a State law complies with the Act.
- **Enforcement flexibility.** The legislation clarifies that States may empower a state administrative

agency to enforce the law before a court can be asked to intervene.

- **Respect State strike prohibitions.** The legislation strengthens the strike prohibition and clarifies that State strike bans should not be preempted.
- **Accommodate State legislatures.** The bill gives non-collective bargaining States whose legislatures meet infrequently more time to comply with the collective bargaining standards. These State legislatures would have either two years after the bill is signed, or until the end of the legislative session that begins after the date the bill is signed into law, whichever comes later, to achieve compliance.

These changes were made to assuage the concerns of Senators who support the legislation, but who represent right-to-work states. Additionally, the changes put the Senate bill more in line with the House bill, making it easier for the Collective Bargaining bill to pass both houses of Congress.

S. 1611 currently has seven cosponsors: four Republicans (**Senators Susan Collins, Olympia Snow, Mel Martinez** and **Mike Johanns**) and three Democrats (**Senators Tom Harkin, Barbara Mikulski** and **Christopher Dodd**). NAPO continues to push to get floor time for the legislation in the Senate this fall, but currently, the healthcare debate and the final fiscal 2010 appropriations acts have priority.

H.R. 413 currently has 145 cosponsors and our goal is 218 cosponsors, a majority of the House. Please reach out and urge your Congressional representatives and senators to sign on as cosponsors of H.R. 413 and S. 1611.

Please contact **Andy Mournighan**, NAPO's Director of Governmental Affairs, at the NAPO office at (703) 549-0775 if you would like more information on the Public Safety Employer-Employee Cooperation Act. Also, she can provide you with sample letters to send to your Congressional representatives if needed.

EXECUTIVE DIRECTOR'S REPORT

IRS Normal Retirement Age Regulations Update

On Friday, September 11, 2009, NAPO and other stakeholder groups met with **Mark Iwry**, Senior Advisor to **Treasury Secretary Timothy Geithner** and Deputy Assistant Treasury Secretary for Retirement and Health Policy. In this newly created position, Mr. Iwry is responsible for policy with respect to pensions, retirement savings, health care and executive compensation.

The meeting was an introductory meeting to establish a relationship with Mr. Iwry and brief him on our biggest concerns and policy issues in regards to state and local governmental pensions. We concentrated on the issues of the IRS normal retirement age regulations, the IRS's steps toward defining what is a governmental plan and its efforts to ensure that governmental pension plans are tax compliant; all of which are unprecedented and would be detrimental to plans, plan sponsors and plan participants if enacted. We indicated to Mr. Iwry that we would be more than happy to work closely and collaboratively with

him and the IRS in tackling these issues and ensuring the Treasury gets the information it needs regarding how governmental plans work.

Unlike our conversations with the IRS earlier this year regarding the normal retirement age rules, Mr. Iwry conveyed a willingness and desire to work with NAPO and the other stakeholder groups around the table to address our concerns with the regulations and resolve the problem without Congressional action. NAPO resubmitted all of our previous correspondence with the IRS regarding the normal retirement age regulations to Mr. Iwry to ensure that he is fully informed of our position that governmental plans should be excluded from these rules.

The IRS normal retirement age rules are set to go into effect January 1, 2011; however, NAPO is confident we will resolve the issue with the IRS and they will exclude governmental plans from the final regulations.

"Now," said the lawyer, "are you sure you told me all the truth? If I'm to defend you, I must know everything."

"Yep. Sure did. I told you everything."

"Good. I think I can easily get you acquitted since you have an excellent alibi that proves you are innocent, beyond a doubt, of this robbery. Now you are sure, absolutely sure, that you've told me everything?"

"Yeah. All except where I hid the money."

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