



# The Public Safety Employer-Employee Cooperation Act

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## Summary

Since 1995, legislation that would guarantee collective bargaining rights for state and local public safety officers has been introduced in Congress. The Public Safety Employer-Employee Cooperation Act (PSEECA), introduced in the 111<sup>th</sup> Congress as H.R. 413 by Representative Dale E. Kildee and S. 1611 by Senator Judd Gregg, would recognize such rights by requiring compliance with federal regulations and procedures if these rights are not provided under state law. Supporters of the measure maintain that strong partnerships between public safety officers and the cities and states they serve are not only vital to public safety, but are built on bargaining relationships. This report reviews the PSEECA and discusses the possible impact of the legislation. The report also identifies existing state laws that recognize collective bargaining rights for public safety employees, and considers the constitutional concerns raised by the measure.

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Since 1995, legislation that would guarantee collective bargaining rights for state and local public safety officers has been introduced in Congress.<sup>1</sup> The Public Safety Employer-Employee Cooperation Act (PSEECA), introduced in the 111<sup>th</sup> Congress as H.R. 413 by Representative Dale E. Kildee and S. 1611 by Senator Judd Gregg, would recognize such rights by requiring compliance with federal regulations and procedures if these rights are not provided under state law. Supporters of the measure maintain that strong partnerships between public safety officers and the cities and states they serve are not only vital to public safety, but are built on bargaining relationships.<sup>2</sup> This report reviews the PSEECA and discusses the possible impact of the legislation. The report also identifies existing state laws that recognize collective bargaining rights for public safety employees, and considers the constitutional concerns raised by the measure.

Under the PSEECA, the Federal Labor Relations Authority (FLRA) would be required to determine whether a state “substantially provides” for specified labor-management rights within 180 days of the measure’s enactment.<sup>3</sup> If the FLRA determines that a state does not substantially provide for such rights, the state would be subject to regulations and procedures prescribed by the FLRA. The FLRA’s regulations and procedures would be consistent with the labor-management rights identified in the PSEECA. These rights include

- granting public safety officers the right to form and join a labor organization that is, or seeks to be, recognized as the exclusive bargaining representative of such employees;
- requiring public safety employers to recognize the employees’ labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding;
- providing for bargaining over hours, wages, and terms and conditions of employment;
- making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures; and
- requiring the enforcement of all rights, responsibilities, and protections provided by state law and any written contract or memorandum of understanding in state courts.<sup>4</sup>

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<sup>1</sup> H.R. 413, 111<sup>th</sup> Cong. (2009); S. 1611, 111<sup>th</sup> Cong. (2009); H.R. 980, 110<sup>th</sup> Cong. (2007); S. 2123, 110<sup>th</sup> Cong. (2007); H.R. 1249, 109<sup>th</sup> Cong. (2005); S. 513, 109<sup>th</sup> Cong. (2005); H.R. 814, 108<sup>th</sup> Cong. (2003); S. 606, 108<sup>th</sup> Cong. (2003); H.R. 1475, 107<sup>th</sup> Cong. (2001); S. 952, 107<sup>th</sup> Cong. (2001); H.R. 1093, 106<sup>th</sup> Cong. (1999); S. 1016, 106<sup>th</sup> Cong. (1999); H.R. 1173, 105<sup>th</sup> Cong. (1997); H.R. 1484, 104<sup>th</sup> Cong. (1995).

<sup>2</sup> See, e.g., 153 Cong. Rec. S12382 (daily ed. Oct. 1, 2007) (statement of Sen. Kennedy) (“Studies show that cooperation between public safety employers and employees improves the quality of services communities receive and reduces worker fatalities.”).

<sup>3</sup> H.R. 413, 111<sup>th</sup> Cong. § 4(a)(1) (2009); S. 1611, 111<sup>th</sup> Cong. § 4(a)(1) (2009). See H.R. 413, 111<sup>th</sup> Cong. § 3(10) (2009) (defining the term “substantially provides” to mean “substantial compliance with the rights and responsibilities described in section 4(b) [of the Public Safety Employer-Employee Cooperation Act].”); S. 1611, 111<sup>th</sup> Cong. § 3(12) (2009) (defining the term “substantially provides” to mean “compliance with each right and responsibility described in [section 4(b) of the Public Safety Employer-Employee Cooperation Act].”).

<sup>4</sup> H.R. 413, 111<sup>th</sup> Cong. § 4(b) (2009); S. 1611, 111<sup>th</sup> Cong. § 4(b) (2009).

The FLRA would have one year from the date of enactment of the PSEECA to issue regulations that establish these rights for public safety officers in states that do not substantially provide them.<sup>5</sup> The new regulations would become applicable in noncomplying states either two years after the date of enactment of the PSEECA or on the date of the end of the first regular session of the state's legislature that begins after the date of enactment of the PSEECA, whichever is later.<sup>6</sup>

The PSEECA defines the term “public safety officer” to include law enforcement officers, firefighters, and emergency medical services personnel.<sup>7</sup> An “employer,” for purposes of the act, includes any state, political subdivision of a state, the District of Columbia, and any territory or possession of the United States that employs public safety officers.<sup>8</sup> A political subdivision of a state that has a population of less than 5,000 or that employs fewer than 25 full time employees, however, may be exempted from the act's requirements.<sup>9</sup>

## **The Public Safety Employer-Employee Cooperation Act and the Commerce Clause**

The sponsors of the PSEECA appear to rely on the Commerce Clause of the U.S. Constitution for the authority to enact the measure.<sup>10</sup> Section 2(5) of the PSEECA states,

The potential absence of adequate cooperation between public safety employers and employees has implications for the security of employees, impacts the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments, and can affect interstate and intrastate commerce.

During the 110<sup>th</sup> Congress, the House Committee on Education and Labor further observed that there is “little question that public safety employees’ [sic] and their role in homeland security affects interstate commerce ... The economic impact of terrorism and natural disasters is not limited to the locality where these events occur. Rather, such events have regional and economic impacts for which the federal government must be responsive.”<sup>11</sup>

Whether the Commerce Clause provides sufficient authority to support the PSEECA, however, may not be entirely certain. Although the U.S. Supreme Court has found that the Fair Labor Standards Act, a statute enacted pursuant to Congress's authority under the Commerce Clause,

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<sup>5</sup> H.R. 413, 111<sup>th</sup> Cong. § 5(a) (2009); S. 1611, 111<sup>th</sup> Cong. § 5(a) (2009).

<sup>6</sup> H.R. 413, 111<sup>th</sup> Cong. § 4(c)(2) (2009); S. 1611, 111<sup>th</sup> Cong. § 4(d)(1) (2009). S. 1611 further provides that a state receiving a subsequent determination of failing to substantially provide for the specified labor-management rights will become subject to the FLRA's regulations on the last day of the first regular session of the state's legislature that begins after the date of the FLRA's determination.

<sup>7</sup> H.R. 413, 111<sup>th</sup> Cong. § 3(2) (2009); S. 1611, 111<sup>th</sup> Cong. § 3(10) (2009).

<sup>8</sup> H.R. 413, 111<sup>th</sup> Cong. § 3(8) (2009); S. 1611, 111<sup>th</sup> Cong. §§ 3(4), (11) (2009).

<sup>9</sup> H.R. 413, 111<sup>th</sup> Cong. § 8(b) (2009); S. 1611, 111<sup>th</sup> Cong. § 8(a)(6) (2009).

<sup>10</sup> U.S. Const. art. I, § 8, cl. 3.

<sup>11</sup> H.Rept. 110-232, at 18-19 (2007).

can be applied to employees of a public mass-transit authority,<sup>12</sup> more recent decisions involving the Commerce Clause suggest that the regulation of labor-management relations for public safety officers may not be sufficiently related to commerce and may be invalidated, if challenged.

In *United States v. Lopez*, a 1995 case involving the Gun-Free School Zones Act of 1990 and Congress's authority under the Commerce Clause, the Court identified three broad categories of activity that Congress may regulate pursuant to its commerce power:

First, Congress may regulate the use of channels of interstate commerce ... Second, Congress is empowered to regulate and protect the instrumentalities of interstate commerce, or persons or things in interstate commerce, even though the threat may come only from intrastate activities ... Finally, Congress' commerce authority includes the power to regulate those activities having a substantial relation to interstate commerce ... *i.e.*, those activities that substantially affect interstate commerce.<sup>13</sup>

The *Lopez* Court concluded that the act, which prohibited any individual from possessing a firearm at a place the individual knew or had reasonable cause to believe was a school zone, exceeded Congress's authority under the Commerce Clause because the possession of a gun in a local school zone did not have a substantial effect on interstate commerce. The Court maintained that upholding the act would require the Court to "pile inference upon inference in a manner that would bid fair to convert congressional authority under the Commerce Clause to a general police power of the sort retained by the States."<sup>14</sup>

Similarly, in *United States v. Morrison*, a 2000 case involving Congress's commerce power and a section of the Violence Against Women Act, the Court found that Congress exceeded its authority because gender-motivated crimes of violence occurring within a state have no substantial effect on interstate commerce.<sup>15</sup> The Court maintained that its cases upholding federal regulation of intrastate activity all involve activity that reflects some form of economic endeavor.<sup>16</sup> The Court noted that the regulation and punishment of intrastate violence that is "not directed at the instrumentalities, channels, or goods involved in interstate commerce has [sic] always been the province of the States."<sup>17</sup>

Most recently, in *Gonzales v. Raich*, the Court upheld the Controlled Substances Act (CSA) as a valid exercise of Congress's commerce authority.<sup>18</sup> The CSA was challenged by two users of medical marijuana that was locally grown and prescribed in accordance with California law. They argued that Congress lacked the authority to prohibit the intrastate manufacture and possession of marijuana for medical purposes.

Citing its decision in *Wickard v. Filburn*, a 1942 case that recognized Congress's authority under the Commerce Clause to regulate intrastate activities, the Court reiterated that even if an activity

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<sup>12</sup> See *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985).

<sup>13</sup> 514 U.S. 549, 558-59 (1995).

<sup>14</sup> *Id.* at 567.

<sup>15</sup> 529 U.S. 598 (2000).

<sup>16</sup> *Id.* at 611.

<sup>17</sup> *Id.* at 618.

<sup>18</sup> 545 U.S. 125 (2005).

is “local and ... may not be regarded as commerce, it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce.”<sup>19</sup> The Court maintained that the production of a commodity has a substantial effect on supply and demand in the national market for that commodity, and observed that there was a likelihood that the high demand in the interstate market would draw marijuana grown for home consumption into that market.<sup>20</sup>

The Court distinguished *Raich* from *Lopez* and *Morrison* by noting that the CSA, unlike the Gun-Free School Zones Act and the Violence Against Women Act, regulates activities that are “quintessentially economic.”<sup>21</sup> The Court indicated that “[t]he CSA is a statute that regulates the production, distribution, and consumption of commodities for which there is an established, and lucrative, interstate market. Prohibiting the interstate possession or manufacture of an article of commerce is a rational (and commonly utilized) means of regulating commerce in that product.”<sup>22</sup>

While the PSEECA would not seem to regulate the channels or instrumentalities of interstate commerce, it has been argued that it would regulate an activity that substantially affects interstate commerce. By “improving the cohesiveness and effectiveness of public safety employers and their employees,” it is believed that the PSEECA would minimize the costs associated with terrorism and natural disasters.<sup>23</sup> During the 110<sup>th</sup> Congress, the House Committee on Education and Labor noted, “The economic impact of terrorism and natural disasters is not limited to the locality where these events occur. Rather, such events have regional and national economic impacts for which the federal government must be responsive.”<sup>24</sup>

Some maintain, however, that public safety employment is not an economic activity that may be regulated pursuant to Congress’s commerce authority. In light of the Court’s decisions in *Lopez*, *Morrison*, and *Raich*, it has been argued that police work, firefighting, and emergency medical services are not economic enterprises or activities related to commercial transactions.<sup>25</sup> Rather, such duties are public services provided by states and localities to their citizens.<sup>26</sup> Moreover, the PSEECA would not be regulating the production, distribution, or consumption of a commodity for which there is an interstate market by requiring collective bargaining rights for public safety officers.<sup>27</sup>

While the PSEECA would seem to raise questions involving Congress’s authority under the Commerce Clause, it does not appear to present concerns over the commandeering of state or

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<sup>19</sup> 317 U.S. 111, 125 (1942).

<sup>20</sup> *Raich*, 545 U.S. at 19.

<sup>21</sup> *Id.* at 25.

<sup>22</sup> *Id.* at 26.

<sup>23</sup> H.Rept. 110-232, at 19 (2007).

<sup>24</sup> *Id.*

<sup>25</sup> See Kevin J. O’Brien, *Federal Regulation of State Employment Under the Commerce Clause and “National Defense” Powers: Constitutional Issues Presented by the Public Safety Employer-Employee Cooperation Act*, 49 B.C. L. Rev. 1175 (2008).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

local regulatory processes in violation of the Tenth Amendment.<sup>28</sup> In *New York v. United States*, a 1992 case involving a federal requirement that gave states a choice between taking title to radioactive waste or regulating in accordance with congressional directives, the Court indicated that “Congress may not simply ‘commandeer[r] the legislative processes of the States by directly compelling them to enact and enforce a federal regulatory program.’”<sup>29</sup>

Unlike the provision at issue in *New York*, the PSEECA would not seem to direct states to legislate collective bargaining for public safety officers. Instead, states would be given the option of either enacting legislation that satisfies the federal standards or becoming subject to the FLRA’s regulations. One might also contend that the measure does not appear to require state or local governments to implement a federal regulatory program. Rather, a federal collective bargaining scheme for public safety officers would be implemented by the FLRA only if a state chose not to enact a program of its own.<sup>30</sup>

## **Possible Impact of the Public Safety Employer-Employee Cooperation Act**

The PSEECA has generated strong reactions from both the business and organized labor communities, with the former generally opposing the measure and the latter supporting it. Critics of the act emphasize the administrative and personnel costs that would likely be expended to comply with the measure. Because of the difficulty in predicting how many workers may organize or what terms and conditions would be negotiated, the cost of the measure for state and local governments was not estimated by the Congressional Budget Office (CBO) when earlier versions of the legislation were considered.

CBO did estimate, however, that the FLRA would need to spend an additional \$3 million to develop regulations, to determine whether states were in compliance with the law, and to respond to judicial review of its determinations.<sup>31</sup> Indeed, some have maintained that the PSEECA could increase demands on the FLRA, either by stretching its resources or requiring new staff.<sup>32</sup> Although subsequent costs are difficult to predict because states may respond differently and,

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<sup>28</sup> The Tenth Amendment of the U.S. Constitution states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

<sup>29</sup> 505 U.S. 144, 161 (1992) (quoting *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, 452 U.S. 264, 288 (1981)). See also *Printz v. United States*, 521 U.S. 898 (1997) (holding that Congress cannot circumvent *New York*’s prohibition on compelling States to enact or enforce a federal regulatory program by conscripting State officers directly).

<sup>30</sup> See also H.Rept. 110-232, at 20 (“The Public Safety Employer-Employee Cooperation Act does not ‘commandeer’ state or local government by requiring that they enact or implement a federal regulatory program. The Act expressly places the onus on states that do not yet provide full collective bargaining rights for public sector employees to either provide the protections required in the Act, or to allow the FLRA to implement the Act.”).

<sup>31</sup> Congressional Budget Office, *S. 952, Public Safety Employer-Employee Cooperation Act of 2001*, Sept. 24, 2001, at 2.

<sup>32</sup> Testimony of David M. Smith, in Senate, Committee on Health, Education, Labor, and Pensions, *Public Safety Employer-Employee Cooperation Act of 1999*, at 2.



once given the right, public safety officers may or may not unionize, CBO estimated that the FLRA would spend about \$10 million annually to administer the act.<sup>33</sup>

Opponents of the PSEECA have also argued that the measure could raise the cost of public safety because of potentially higher wages and benefits, as well as the cost of negotiating and administering collective bargaining agreements.<sup>34</sup>

Supporters of the PSEECA contend that the measure would give many public safety workers the right to organize and bargain collectively—rights that they may not currently have. The arguments in support of the act are generally based on what proponents maintain are the benefits of collective bargaining. For example, collective bargaining may improve the hours, pay, benefits, and working conditions of public safety workers. Higher pay and better working conditions may reduce turnover. Arguably, lower turnover could reduce the cost of hiring and training new workers.

Supporters also argue that the PSEECA would give workers a “voice” in the workplace. They maintain that unions provide workers an additional way to communicate with management. Instead of expressing their dissatisfaction by quitting, workers can use formal procedures to resolve issues relating to working conditions or other matters.<sup>35</sup> Thus, according to supporters, the PSEECA would give labor and management a way to work together to resolve differences. Therefore, supporters further maintain that, by improving labor-management relations, the measure would improve public safety.<sup>36</sup>

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<sup>33</sup> Congressional Budget Office, *supra* note 31 at 2.

<sup>34</sup> Public Service Research Council, *H.R. 814/S. 606, “The Public Safety Employer-Employee Cooperation Act,”* May 2003, available at <http://downloads.heartland.org/12523.pdf>.

<sup>35</sup> Richard B. Freeman and James L. Medoff, “The Two Faces of Unionism,” *Public Interest*, no. 57, Fall 1979, at 70-73; Richard B. Freeman, “The Exit-Voice Tradeoff in the Labor Market: Unionism, Job Tenure, Quits, and Separations,” *Quarterly Journal of Economics*, vol. 94, Jun. 1980, at 644-45.

<sup>36</sup> *Public Safety Employer-Employee Cooperation Act of 1999: Hearing Before the S. Comm. on Health, Educ., Lab., and Pensions, 106<sup>th</sup> Cong. 6-9 (2000)* (statement of Frederick H. Nesbitt, Director of Governmental Affairs, Int’l Ass’n of Firefighters); *Id.* at 16-18 (statement of Sen. Kennedy, Member, Sen. Comm. on Health, Educ., Lab., and Pensions).

**Table I. State Public Sector Collective Bargaining Laws**

State	Citation
Alabama	Ala. Code § 11-43-143(b): Provides state and municipal firefighters with the right to join a union and have proposals related to salaries and other conditions of employment presented by such union. Public officials cannot, however, be compelled to negotiate toward a labor contract. See <i>Nichols v. Bolding</i> , 277 So.2d 868 (Ala. 1973).  No similar statute with regard to other public safety officers.
Alaska	Alaska Stat. § 23.40.070: Recognizes collective bargaining rights for all public employees.
Arizona	Ariz. Rev. Stat. § 23-141 I: Provides public safety officers with the right to join a union. Employee wage negotiations, however, cannot be compelled.
Arkansas	No public sector collective bargaining laws.
California	Cal. Gov't Code § 3502: Recognizes collective bargaining rights for municipal public employees.  Cal. Gov't Code § 3515: Recognizes collective bargaining rights for state public employees.
Colorado	No public sector collective bargaining laws.
Connecticut	Conn. Gen. Stat. § 5-271: Recognizes collective bargaining rights for state public employees.  Conn. Gen. Stat. § 7-468: Recognizes collective bargaining rights for municipal public employees.
Delaware	Del. Code Ann. tit. 19, § 1303: Recognizes collective bargaining rights for all public employees.  Del. Code Ann. tit. 19, § 1603: Recognizes collective bargaining rights for police officers and firefighters.
District of Columbia	D.C. Code § 1-617.06: Recognizes collective bargaining rights for all public employees.
Florida	Fla. Stat. § 447.301: Recognizes collective bargaining rights for all public employees.
Georgia	Ga. Code Ann. § 25-5-4: Recognizes collective bargaining rights for local firefighters if a municipality of 20,000 or more authorizes such rights by local ordinance.  No similar statute with regard to other public safety officers.
Hawaii	Haw. Rev. Stat. § 89-3: Recognizes collective bargaining rights for all public employees.
Idaho	Idaho Code Ann. § 44-1802: Recognizes collective bargaining rights for municipal firefighters.  No similar statute with regard to other public safety officers.
Illinois	5 Ill. Comp. Stat. 315/6: Recognizes collective bargaining rights for all public employees.
Indiana	No collective bargaining laws for public safety officers.
Iowa	Iowa Code § 20.8: Recognizes collective bargaining rights for all public employees.
Kansas	Kan. Stat. Ann. § 75-4324: Recognizes collective bargaining rights for state public employees.  Kan. Stat. Ann. § 75-4321(c): The governing body of any municipal employer may recognize collective bargaining rights for its employees by a majority vote of its members.

Kentucky	<p>Ky. Rev. Stat. Ann. § 67A.6902: Recognizes collective bargaining rights for police officers and firefighters employed by an urban-county government.</p> <p>Ky. Rev. Stat. Ann. § 67C.402: Recognizes collective bargaining rights for police officers employed by a consolidated municipal government.</p> <p>Ky. Rev. Stat. Ann. § 345.030: Recognizes collective bargaining rights for municipal firefighters in cities with more than 300,000 residents.</p> <p>Ky. Rev. Stat. Ann. § 74.470: Recognizes collective bargaining rights for municipal police officers in counties with more than 300,000 residents.</p>
Louisiana	No public sector collective bargaining laws.
Maine	<p>Me. Rev. Stat. Ann. tit. 26, § 963: Recognizes collective bargaining rights for municipal public employees.</p> <p>Me. Rev. Stat. Ann. tit. 26, § 979-B: Recognizes collective bargaining rights for state public employees.</p>
Maryland	<p>Md. Ann. Code art. 28, § 5-114.1: Recognizes collective bargaining rights for Maryland-National Capital Park and Planning Commission police officers.</p> <p>No similar statute with regard to other public safety officers.</p>
Massachusetts	Mass. Gen. Laws ch. 150E, § 2: Recognizes collective bargaining rights for all public employees.
Michigan	Mich. Comp. Laws § 423.209: Recognizes collective bargaining rights for all public employees.
Minnesota	Minn. Stat. § 179A.06: Recognizes collective bargaining rights for all public employees.
Mississippi	No public sector collective bargaining laws.
Missouri	Mo. Rev. Stat. §§ 105.510, 105.520: Provides public employees, except police, deputy sheriffs, Missouri state highway patrolmen, and other specified individuals, with the right to join a union and have proposals related to salaries and other conditions of employment presented by such union. Public bodies are required to discuss such proposals, but cannot be compelled to agree to them. See <i>Null v. City of Grandview</i> , 669 S.W.2d 78 (Mo. App. W.D. 1984).
Montana	Mont. Code Ann. § 39-31-201: Recognizes collective bargaining rights for all public employees.
Nebraska	Neb. Rev. Stat. § 48-837: Recognizes collective bargaining rights for all public employees. See also Neb. Rev. Stat. § 81-1370 (recognizing collective bargaining rights for state public employees).
Nevada	Nev. Rev. Stat. § 288.140: Recognizes collective bargaining rights for local public employees.
New Hampshire	N.H. Rev. Stat. § 273-A:9: Recognizes collective bargaining rights for all public employees.
New Jersey	N.J. Stat. Ann. § 34:13A-5.3: Recognizes collective bargaining rights for all public employees.
New Mexico	N.M. Stat. § 10-7E-5: Recognizes collective bargaining rights for all public employees.
New York	N.Y. Civ. Serv. Law § 203: Recognizes collective bargaining rights for all public employees.
North Carolina	N.C. Gen. Stat. § 95-98: Renders any agreement or contract between a public employer and a union to be against public policy and void.
North Dakota	No public sector collective bargaining laws.

Ohio	Ohio Rev. Code Ann. § 4117.03: Recognizes collective bargaining rights for all public employees.
Oklahoma	Okla. Stat. tit. 11, § 51-103: Recognizes collective bargaining rights for local firefighters and police officers.
Oregon	Or. Rev. Stat. § 243.662: Recognizes collective bargaining rights for all public employees.
Pennsylvania	43 Pa. Cons. Stat. § 217.1: Recognizes collective bargaining rights for state and municipal police and firefighters. 43 Pa. Cons. Stat. § 1101.301: Recognizes collective bargaining rights for all public employees.
Rhode Island	R.I. Gen. Laws § 28-9.1-4: Recognizes collective bargaining rights for municipal firefighters. R.I. Gen. Laws § 28-9.2-4: Recognizes collective bargaining rights for municipal police officers. R.I. Gen. Laws § 28-9.5-4: Recognizes collective bargaining rights for state police officers. R.I. Gen. Laws § 36-11-1: Recognizes collective bargaining rights for state public employees, including members of the department of state police below the rank of lieutenant.
South Carolina	No public sector collective bargaining laws.
South Dakota	S.D. Codified Laws § 3-18-2: Recognizes collective bargaining rights for all public employees.
Tennessee	Tenn. Code Ann. § 49-5-603: Recognizes collective bargaining rights for only licensed employees of any local board of education.
Texas	Tex. Loc. Gov't Code Ann. § 174.023: Collective bargaining rights for municipal firefighters and police officers are available upon adoption of the Fire and Police Employee Relations Act by majority vote in an election.
Utah	Utah Code Ann. § 34-20a-3: Recognizes collective bargaining rights for municipal firefighters.
Vermont	Vt. Stat. Ann. tit. 3, § 903: Recognizes collective bargaining rights for state public employees. Vt. Stat. Ann. tit. 22, § 1721: Recognizes collective bargaining rights for municipal public employees.
Virginia	Va. Code Ann. § 40.1-57.2: Prohibits state and municipal employers from recognizing any union as a bargaining agent for any public employees, and prohibits the execution of a collective bargaining agreement with any such union.
Washington	Wash. Rev. Code § 41.56.040: Recognizes collective bargaining rights for all public employees.
West Virginia	No public sector collective bargaining laws.
Wisconsin	Wis. Stat. § 111.70: Recognizes collective bargaining rights for municipal public employees. Wis. Stat. § 111.82: Recognizes collective bargaining rights for state public employees.
Wyoming	Wyo. Stat. Ann. § 27-10-102: Recognizes collective bargaining rights for municipal firefighters.

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**Note:** This table should not be interpreted as providing a determination of whether a state substantially provides the rights prescribed by the Public Safety Employer-Employee Cooperation Act. The table simply identifies whether a state's public safety officers have the right to engage in collective bargaining.

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