

Enzi vs. Kennedy: Senators part ways over bill for public safety labor unions

*By NOELLE STRAUB
Star-Tribune Washington bureau*

WASHINGTON -- Sens. Mike Enzi and Edward Kennedy, the usually cooperative top Republican and Democrat on the Senate labor committee, are locked in combat over a bill that would require states to allow firefighters, police and first responders to unionize.

The Wyoming Republican calls the bill an "irretrievably broken, totally unnecessary piece of special interest legislation." The Massachusetts Democrat sees it as providing fairness to workers and improving their safety and efficiency.

Kennedy teamed up with a Republican, Sen. Judd Gregg of New Hampshire, to push the Public Safety Employer-Employee Cooperation Act. The bill requires that within two years, states offer public safety officers the ability to vote on whether to form and voluntarily join unions and collectively bargain over hours, wages, and conditions of employment.

The House passed its version of the bill last July, 314-97. On Tuesday, the Senate held a procedural vote to begin debating the bill. The 69-29 tally means it is likely to pass the Senate with a veto-proof margin.

Kennedy said public safety officers know better than anyone what is needed to keep them safe on the job and deserve the right to have a voice in decisions that affect their lives and safety.

"When governments and public safety officers are unable to cooperate through collective bargaining, the workers' lives are put at needless risk," he said. States without collective bargaining have 39 percent more public safety officer fatalities, he said.

Kennedy said states should not be able to deny people the opportunity for collective bargaining, but rather have a procedure in place where the workers can vote on whether they want it or not.

"The states themselves, as good as we believe their judgments are, shouldn't get to make that decision for the workers," he said. "The states should set up a process and procedure and let the people in the states make that judgment - that is pretty apple pie Americana."

Gregg said public safety officers "selflessly risk injury, and sometimes their lives, to protect others, yet they remain the only sizable segment of workers who do not have the combined right to enter into collective bargaining agreements with their employers."

But Enzi said the "ill-conceived and badly drafted bill" would disrupt the law and labor relations policies of every state. In states like Wyoming, he said, it would federalize state and local labor relations, allowing the federal government to tell the states what their laws must be like and how they must conduct labor relations.

It would eliminate the right of states to take certain items off the bargaining table, he said, such as manning and staffing levels, training and job requirements, deadly force rules, drug testing, merit pay and promotions.

He also said it would impose unfunded costs on states, cities and towns. States could exempt towns of fewer than 5,000 people or 25 employees. Enzi said small towns would not be able to handle the administrative costs to comply.

"The bill does not contain a dime of federal money or a word of language that would increase the pay or benefits of any firefighter, police officer or first responder or that would enhance their working conditions or that would make their job safer or make their retirement more secure," he said.

"Plain and simple, the only direct beneficiaries of this legislation are labor unions," he added.

Enzi said there are "multiple flaws and deceptions" in the bill. He noted that New York City Mayor Michael Bloomberg sent a letter to Senate leaders opposing the bill. Bloomberg argued that it would significantly expand federal jurisdiction over labor relations between state and local governments and their public safety officers.

Kennedy and Enzi disputed numerous other provisions.

The bill says public safety officers may not engage in a strike or work slowdown that will measurably disrupt the delivery of emergency services. Kennedy said that would prevent strikes and called it an "insult" and "dishonor" to suggest that officers would "shirk their duty in order to argue over a contract." But Enzi said the language invited lawsuits and misinterpretation and was not an iron-clad prevention of strikes.

States would have one year to create a process for discussions with workers before the Federal Labor Relations Authority would step in. Enzi said the virtually unknown agency would suddenly have great influence, but Kennedy said it wouldn't get involved at all as long as states comply with the law.

The pair also disagreed over whether the bill would affect volunteer firefighters. Kennedy said it is clear that it does not, but Enzi said the language left some doubt.

Enzi strongly objected to the fact that the bill did not go through committee this Congress in order to work out these differences. He also had five amendments he wanted considered but said the Democrats would not allow it. Kennedy said the bill was introduced in 1999 and had been through committee twice, in 2001 and 2003.

"Our nation's first responders have waited long enough for the basic rights in this bill," Kennedy said. "We shouldn't make them wait any longer."

Both sides charged the other with holding up the bill. Senate Majority Leader Harry Reid, D-Nev., said late Wednesday that he hopes Enzi, Kennedy and Gregg can work out an agreement on the bill. If not, Reid plans to hold a procedural vote later this week to cut off debate and move the bill.