

Date

The Honorable Rick Boucher  
United States House of Representatives  
2187 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Boucher:

I am writing to ask for your opposition to proposed legislation, H.R. 980, the so-called Public Safety Employer-Employee Cooperation Act. Because it represents an unprecedented Federal intrusion into state and local decision-making, potentially disrupts our nation's carefully developed emergency-response functions, and raises serious Constitutional questions under the Tenth Amendment, [locality] strongly opposes this legislation.

This bill would preempt state authority to regulate the collective bargaining rights of its state and local public safety employees, displacing the decisions behind existing statutes and constitutions. The relationship between a local government and its employees, particularly employees of the elected sheriff who assist in discharging the police powers, should not be the subject of Federal manipulation absent a compelling Federal need.

We believe that state and local governments are themselves most appropriately positioned to deal with the complex issues in determining the nature and range of compensation and benefits for its employees. Federalism principles dictate the states should be permitted the maximum flexibility to decide what type of bargaining is compatible with their execution of public safety responsibilities amidst changing local needs. H.R. 980 preempts these decisions and local variations, and forces states and localities to engage in nationally dictated collective bargaining with public safety employees regardless of local circumstances.

The Federal preemption of state authority to determine bargaining rules with public-safety employees could result in substantial cost increases and force localities to respond by cutting the size of their local law enforcement and fire workforce or by raising taxes. Cost increases associated with previous public-sector unionizations have been substantial. Reductions in public-safety workforce size would raise safety concerns, as would potential seniority requirements, union work rules, and other limitations on public-safety management. These are decisions best left to localities since these entities bear the direct costs and receive the direct benefits of the actions contemplated.

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We are concerned that this bill could upset our carefully developed emergency-response functions. Any legislation establishing a uniform standard for collective bargaining could reduce the flexibility needed to prevent and respond to a shifting series of threats and hazards. Can you imagine if our public safety officials were somehow restricted in the deployment of resources in times of emergency?

In Virginia, we have a long and successful tradition of providing public safety to our citizens, and this has been achieved without any collective bargaining. Instead, the Commonwealth of Virginia has prided itself on being an “at will” state and expressly prohibits collective bargaining. We must continue to guarantee such rights to our employers, particularly those in the public sector charged with protecting our people. As you know, most counties in Virginia elect a Sheriff, whose position is established by the Constitution and laws of the Commonwealth. A sheriff does not have “employees” in the traditional sense, but law enforcement officers serve as deputies of the sheriff, a very special relationship in which the deputies act under the authority of the sheriff and the sheriff bears direct responsibility for this function. The sheriff is not the “employer” in the traditional sense of the word. Although he or she selects and appoints deputies, the sheriff does not determine the number of deputies, rate of compensation, or the equipment available for their use. These decisions are made either by the State Compensation Board or by the local governing board. Therefore, a sheriff would have no authority to enter into any collective bargaining agreement regarding these essential terms and conditions of employment.

The public safety system in [locality], as well as many Virginia localities, has worked successfully without such mandates from the federal government regarding terms of employment. I am not aware of any case in which collective bargaining has resulted in a better system than exists in Virginia today. In fact, in our experience the sheriff has been a strong and successful advocate for his people with respect to higher compensation, increased staffing, and excellent equipment and training for personnel.

The ramifications of H.R. 980 are extremely serious to Virginia localities and also to all states, even those who already allow collective bargaining. **Therefore, we ask you to take every opportunity to defeat this bill.** If I can be of any additional assistance to you, please let me know.

Sincerely,

Chairman  
[locality] Board of Supervisors

The Honorable Mark Warner  
United States Senate  
B40C Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Jim Webb  
United States Senate  
144 Russell Senate Office Building  
Washington, DC 20510

The Honorable Robert J. Wittman  
United States House of Representatives  
13181 Longworth House Office Building  
Washington, DC 20515

The Honorable Robert C. Scott  
United States House of Representatives  
1201 Longworth House Office Building  
Washington, DC 20515

The Honorable Thomas S.P. Perriello  
United States House of Representatives  
1520 Longworth House Office Building  
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The Honorable Gerald E. Connolly  
United States House of Representatives  
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Washington, DC 20515

The Honorable Glenn C. Nye  
United States House of Representatives  
116 Cannon House Office Building  
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The Honorable Eric Cantor  
United States House of Representatives  
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The Honorable Frank R. Wolf  
United States House of Representatives  
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The Honorable J. Randy Forbes  
United States House of Representatives  
2438 Rayburn House Office Building  
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The Honorable Bob Goodlatte  
United States House of Representatives  
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The Honorable James P. Moran  
United States House of Representatives  
2239 Rayburn House Office Building  
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