

2008-04

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES, INC., URGING
CONGRESS TO OPPOSE LEGISLATION THAT PREEMPTS STATE AND
LOCAL LAWS OVER COLLECTIVE BARGAINING FOR PUBLIC SAFETY
EMPLOYEES.

WHEREAS, many Florida cities are responsible for staffing and maintaining their own municipal police departments and fire departments; and

WHEREAS, Article I, Section 6 of the Florida Constitution provides that public employees have the right to collectively bargain as part of the terms and conditions of their employment; and

WHEREAS, H.R. 980, by Representative Dale Kildee, is the Public Safety Employer-Employee Cooperation Act of 2007, and passed the House last year; and

WHEREAS, the Senate companion, S. 2123, by Senator Judd Gregg, has not yet been considered by the Senate; and

WHEREAS, this legislation would place the federal government in charge of establishing the rules and procedures governing collective bargaining around salaries, hours, benefits, and conditions of employment at the municipal level; and

WHEREAS, this legislation undermines the ability of state, municipal and county governments to negotiate collective bargaining agreements with their public safety personnel; and

WHEREAS, this preemptive legislation violates the inherent Home Rule powers of municipal governments; and

WHEREAS, this legislation would allow the Federal Labor Relations Authority to audit all labor relations agreements to determine compliance with the new law; and

WHEREAS, the federal government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions; and

WHEREAS, this legislation has raised concerns that it would violate the 10th Amendment of the US Constitution, which specifies that "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;" and

WHEREAS, this federal intrusion into state and local decision-making sets a dangerous precedent that could impact future state and local matters; and

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. That the Florida League of Cities, Inc. opposes this unwarranted preemption of local Home Rule authority and urges Congress not to pass this legislation.

Section 2. That a copy of this resolution be provided to the Florida Congressional Delegation, the National League of Cities, Florida Governor Charlie Crist and other interested parties.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 82nd Annual Conference, at the Tampa Convention Center and the Marriott Tampa Waterside, Tampa, Florida, this 16th Day of August 2008.

Frank C. Ortis, President
Florida League of Cities, Inc.
Mayor, City of Pembroke Pines

ATTEST:

Michael Sittig, Executive Director
Florida League of Cities, Inc.

Submitted by: FLC Staff