

Public Service Freedom to Negotiate Act

A nationwide campaign organized and funded by conservative special interests continues to attack hard working people with the goal of further rigging our economy and democracy in favor of corporations and billionaires. At the heart of this political campaign is an effort to undermine and weaken unions which empower workers through collective action to negotiate from their employer better pay, better access to health care, and improved work conditions.

Unions are one of the most effective vehicles to move people into the middle class, especially for women and people of color. Unions sustain our families and make our communities stronger. This is why conservative special interests have invested millions of dollars ensuring Neil Gorsuch, not Merrick Garland, was confirmed to the United States Supreme Court. Now with Justice Gorsuch in place these special interests groups are seeing a lucrative return on their investment. In the *Epic Systems Corp v. Lewis* 5 to 4 ruling, thanks to Justice Gorsuch, employers can now force their workers to sign away their right to class-action suits over workplace discrimination claims. And in *Janus v. AFSCME Council 31*, the Supreme Court gutted public sector unions' ability to raise the resources they need to be an effective voice for their members.

Enough is enough. We must fight back against this unrelenting attack on working people. That's why I am introducing the bicameral **Public Service Freedom to Negotiate Act of 2018**, legislation that will secure basic labor rights for public servants throughout the country.

After all, the most effective way to do this is to strengthen workers' rights to collectively bargain with their employers so that they can negotiate better wages and earned benefits, better access to health care, and improved working conditions. Nearly half of workers who are covered by a union contract are public servants. And while the National Labor Relations Act (NLRA) protects the rights of private-sector employees to form and join unions and bargain collectively with their employers, no federal law exists to protect these fundamental labor rights for public servants.

Public servants are teachers, nurses and health care providers, firefighters, police officers, EMTs, librarians, correctional officers, among many other dedicated professionals. These hardworking public servants deserve the same rights and freedom to organize and bargain collectively with their employers as their private-sector counterparts. I urge you to join me in supporting working families by supporting the **Public Service Freedom to Negotiate Act of 2018**.



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The Public Service Freedom to Negotiate Act is included in Democrats' "A Better Deal," an economic agenda to help build an America in which working people know that somebody has their back.

The **Public Service Freedom to Negotiate Act of 2018** reaffirms that it is the policy of the United States to encourage the practice of collective bargaining as a means of promoting stable, cooperative relationships between public employees and their employers. The bill provides public employees the right to organize, act concertedly, and bargain collectively in states that currently do not afford these basic rights.

Authority is granted to the Federal Labor Relations Authority (FLRA) to determine whether a state, territory, or locality provides public employees with the following basic labor rights and responsibilities:

- The right to form, join, or assist a labor organization and to bargain collectively through representatives of their own choosing.
- Public employers are required to recognize the employees' labor organization (freely chosen by a majority of the employees voting), to bargain with the labor organization over wages, hours, and other terms and conditions of employment, and to commit any agreements to writing in a contract or memorandum of understanding;
- Access to a dispute resolution mechanism such as fact-finding, mediation, arbitration, or comparable procedures and provide for the payroll deduction of labor organization fees to any duly-selected representative of employees pursuant to the terms of an authorization executed by employees.
- Real enforcement of all rights, responsibilities, and protections provided by State law and enumerated in this section, and of any written contract or MOU between a labor organization and a public employer through a state administrative agency or in court.

The FLRA approach gives states wide flexibility to write and administer their own labor laws provided they meet this minimum standard:

- The bill will not apply in States determined to meet and exceed this standard.
- Public employers in States that continue to fail to guarantee these basic rights and responsibilities will be subject to federal minimum standards.
- For states failing to meet the minimum standard, employer lockouts and strikes by law enforcement officers or emergency services employees are prohibited when emergency or public safety services are imperiled.

