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S. 3151

To secure the rights of public employees to organize, act concertedly, and bargain collectively, which safeguard the public interest and promote the free and unobstructed flow of commerce, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2018

Ms. HIRONO (for herself, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, Mrs. GILLIBRAND, Ms. WARREN, Mr. REED, Ms. KLOBUCHAR, Mr. PETERS, Ms. BALDWIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. VAN HOLLEN, Mrs. FEINSTEIN, Mr. SANDERS, Mr. BROWN, Mr. MARKEY, Ms. SMITH, Mr. SCHATZ, Mr. MENENDEZ, Ms. STABENOW, Mr. BOOKER, Mr. WYDEN, Ms. HARRIS, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. CARDIN, Ms. CORTEZ MASTO, Ms. CANTWELL, Ms. HASSAN, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To secure the rights of public employees to organize, act concertedly, and bargain collectively, which safeguard the public interest and promote the free and unobstructed flow of commerce, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Public Service Free-
3 dom to Negotiate Act of 2018”.

4 **SEC. 2. FINDINGS; PURPOSE.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The denial by some public employers of the
8 right of public employees to organize and the refusal
9 by some public employers to accept the procedure of
10 collective bargaining lead to strikes and other forms
11 of strife or unrest. Such actions have the intent or
12 the necessary effect of burdening or obstructing
13 commerce by—

14 (A) impairing the efficiency, safety, or op-
15 eration of the instrumentalities of commerce,
16 which depend on stable government services and
17 public infrastructure;

18 (B) materially affecting, restraining, or
19 controlling the flow of goods into the channels
20 of commerce, or the prices of such goods in
21 commerce; or

22 (C) causing diminution of employment and
23 wages in such volume so as to substantially im-
24 pair or disrupt the market for goods flowing
25 from or into the channels of commerce.

1 (2) The inequality of bargaining power between
2 public employees, who do not possess full freedom of
3 association or actual liberty of contract, and public
4 employers substantially burdens and affects the flow
5 of commerce, and tends to aggravate recurrent busi-
6 ness depressions, by depressing wage rates and the
7 purchasing power of wage earners and by negatively
8 affecting the stabilization of competitive wage rates
9 and decent working conditions.

10 (3) Experience in public employment indicates
11 that the statutory protection of the rights of public
12 employees to organize, act concertedly, and bargain
13 collectively safeguards the public interest and pro-
14 motes the free and unobstructed flow of commerce
15 among the States by removing certain recognized
16 sources of strife and unrest. Such protection facili-
17 tates and encourages the amicable settlement of dis-
18 putes between public employees and their public em-
19 ployers involving wages, hours, and other terms and
20 conditions of employment.

21 (4) To be most effective and stable, labor-man-
22 agement relationships in the public sector must be
23 based on trust, mutual respect, open communication,
24 bilateral consensual problem solving, and shared ac-
25 countability. In many public agencies, it is the union

1 that provides the institutional stability as elected
2 leaders and appointees come and go.

3 (5) State and local public employees play an es-
4 sential role in the efforts of the United States to de-
5 tect, prevent, and respond to terrorist attacks, and
6 to respond to natural disasters, hazardous materials,
7 and other mass casualty incidents. State and local
8 public employees, as first responders, are a compo-
9 nent of our Nation's National Incident Management
10 System, developed by the Department of Homeland
11 Security to coordinate response to and recovery from
12 terrorism, major natural disasters, and other major
13 emergencies. Effective and stable public employer-
14 employee relationships are essential in meeting these
15 needs and are, therefore, in both the National inter-
16 est as well as in furtherance of the United States ob-
17 ligation to safeguard the country under section 4 of
18 article IV of the Constitution of the United States.

19 (6) Teachers and other education professionals
20 (including paraprofessionals, custodians, administra-
21 tive staff, cafeteria workers, specialized instructional
22 support personnel, and others) work to provide qual-
23 ity education to every student. Students deserve the
24 opportunity to reach their full potential in a well-
25 resourced public school.

1 (7) Conflict between public employers and pub-
2 lic employees has implications for the security of
3 public employees and the public and affects inter-
4 state and intrastate commerce. Ineffective and un-
5 stable labor-management relations can detrimentally
6 impact the upgrading of public services of local com-
7 munities, the health and well-being of public employ-
8 ees, and the morale within public agencies. Addition-
9 ally, these factors have significant commercial reper-
10 cussions. Moreover, providing minimal standards for
11 collective bargaining rights in the public sector can
12 prevent industrial strife between labor and manage-
13 ment that interferes with the normal flow of com-
14 merce. It is settled law that Congress has authority
15 under the Commerce Clause of section 8 of article
16 I of the Constitution of the United States to safe-
17 guard protections for employees of State and local
18 governments.

19 (8) Many States and localities already have
20 laws that provide public employees with collective
21 bargaining rights comparable to or greater than the
22 rights and responsibilities set forth in this Act, and
23 such State and local laws should be respected.

24 (9) While the National Labor Relations Act (29
25 U.S.C. 151 et seq.) protects the rights of private-

1 sector employees to form or join unions, act
2 concertedly for the purpose of collective bargaining
3 or other mutual aid or protection, and bargain col-
4 lectively with their employers, no Federal law pro-
5 tects these fundamental labor rights for employees
6 of the States, including territories and possessions of
7 the United States, and the political subdivisions
8 thereof. The Federal Government needs to encour-
9 age conciliation, mediation, and dispute resolution to
10 aid and encourage public employers and the rep-
11 resentatives of their public employees to reach and
12 maintain agreements concerning rates of pay, hours,
13 and working conditions, and to make all reasonable
14 efforts through negotiations to settle their dif-
15 ferences by mutual agreement reached through col-
16 lective bargaining or by such methods as may be
17 provided for in any applicable agreement for the set-
18 tlement of disputes.

19 (b) PURPOSE.—It is the purpose of this Act to—

20 (1) secure the rights of public employees to
21 form or join unions, act concertedly for the purpose
22 of collective bargaining or other mutual aid or pro-
23 tection, and bargain collectively with their employ-
24 ers; and

1 (2) reaffirm the policy of the United States to
2 encourage the practice and procedure of collective
3 bargaining, which safeguards the public interest and
4 promotes the free and unobstructed flow of com-
5 merce.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) **AUTHORITY.**—The term “Authority” means
9 the Federal Labor Relations Authority.

10 (2) **COLLECTIVE BARGAINING.**—The term “col-
11 lective bargaining”, with respect to public employees
12 and public employers, means the performance of the
13 mutual obligation of the representative of a public
14 employer and the exclusive representative of public
15 employees in an appropriate unit of the employer to
16 meet at reasonable times and to consult and bargain
17 in a good-faith effort to reach agreement with re-
18 spect to wages, hours, and other terms and condi-
19 tions of employment affecting such employees and to
20 execute, if requested by either party, a written docu-
21 ment incorporating any collective bargaining agree-
22 ment reached, but the obligation referred to in this
23 paragraph does not compel either party to agree to
24 a proposal or to make a concession.

25 (3) **CONFIDENTIAL EMPLOYEE.**—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the term “confidential em-
3 ployee” means a public employee who acts in a
4 confidential capacity with respect to an indi-
5 vidual who formulates or effectuates manage-
6 ment policies in the field of labor-management
7 relations.

8 (B) STATE LAW.—If the term “confiden-
9 tial employee”, or a substantially equivalent
10 term, has a substantially equivalent meaning
11 under applicable State law to the meaning
12 under subparagraph (A) on the date of the en-
13 actment of this Act, such term, or substantially
14 equivalent term, and meaning under such appli-
15 cable State law shall apply with respect to the
16 term “confidential employee” under this Act for
17 public employees and public employers in such
18 State.

19 (4) EMERGENCY SERVICES EMPLOYEE.—The
20 term “emergency services employee” means—

21 (A) a public employee providing out-of-hos-
22 pital emergency medical care, including an
23 emergency medical technician, paramedic, or
24 first responder; or

1 (B) a public employee providing other serv-
2 ices in response to emergencies that have the
3 potential to cause death or serious bodily in-
4 jury, including an employee in fire protection
5 activities (as defined in section 3 of the Fair
6 Labor Standards Act of 1938 (29 U.S.C. 203)).

7 (5) EMPLOY.—The term “employ” includes to
8 suffer or permit to work.

9 (6) LABOR ORGANIZATION.—The term “labor
10 organization”, with respect to public employers and
11 public employees, means any organization of any
12 kind in which public employees participate and
13 which exists for the purpose, in whole or in part, of
14 dealing with public employers concerning grievances,
15 labor disputes, wages, rates of pay, hours of employ-
16 ment, or conditions of work.

17 (7) LAW ENFORCEMENT OFFICER.—The term
18 “law enforcement officer” has the meaning given
19 such term in section 1204 of the Omnibus Crime
20 Control and Safe Streets Act of 1968 (34 U.S.C.
21 10284).

22 (8) MANAGEMENT EMPLOYEE.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the term “management em-
25 ployee” means an individual employed by a pub-

1 lic employer in a position the duties and respon-
2 sibilities of which require or authorize the indi-
3 vidual to formulate, determine, or influence the
4 policies of the employer.

5 (B) STATE LAW.—If the term “manage-
6 ment employee”, or a substantially equivalent
7 term, has a substantially equivalent meaning
8 under applicable State law to the meaning
9 under subparagraph (A) on the date of the en-
10 actment of this Act, such term, or substantially
11 equivalent term, and meaning under such appli-
12 cable State law shall apply with respect to the
13 term “management employee” under this Act
14 for public employees and public employers in
15 such State.

16 (9) PERSON.—The term “person” means an in-
17 dividual or a labor organization.

18 (10) PUBLIC EMPLOYEE.—The term “public
19 employee”—

20 (A) means an individual, employed by a
21 public employer, who in any workweek is en-
22 gaged in commerce or in the production of
23 goods for commerce, or is employed in an enter-
24 prise engaged in commerce or in the production
25 of goods for commerce (as the terms “com-

1 merce”, “goods”, and “enterprise engaged in
2 commerce or in the production of goods for
3 commerce” are defined in section 3 of the Fair
4 Labor Standards Act of 1938);

5 (B) includes an individual who is tempo-
6 rarily transferred to a supervisory or manage-
7 ment position; and

8 (C) does not include a permanent super-
9 visory employee, permanent management em-
10 ployee, or permanent confidential employee, or
11 an elected official.

12 (11) PUBLIC EMPLOYER.—The term “em-
13 ployer” means any of the following that employs
14 public employees:

15 (A) A State or the political subdivision of
16 a State, including a territory or political sub-
17 division of a territory.

18 (B) Any authority, agency, school district,
19 board or other entity controlled and operated by
20 an entity described in subparagraph (A).

21 (12) STATE.—The term “State” means each of
22 the several States of the United States, the District
23 of Columbia, and any territory or possession of the
24 United States.

1 (13) SUBSTANTIALLY PROVIDES.—The term
2 “substantially provide” or “substantially provides”,
3 with respect to the rights and responsibilities de-
4 scribed in section 4(b), means providing rights and
5 responsibilities that are comparable to or greater
6 than each of the rights and responsibilities described
7 in such section.

8 (14) SUPERVISORY EMPLOYEE.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), the term “supervisory em-
11 ployee” means an individual, employed by a
12 public employer, who—

13 (i) has the authority in the interest of
14 the employer, if the exercise of the author-
15 ity is not merely routine or clerical in na-
16 ture but requires the consistent exercise of
17 independent judgment, to—

18 (I) hire, promote, reward, trans-
19 fer, furlough, lay off, recall, suspend,
20 discipline, or remove public employees;

21 (II) adjust the grievances of pub-
22 lic employees; or

23 (III) effectively recommend any
24 action described in subclause (I) or
25 (II); and

1 (ii) devotes a majority of time at work
2 to exercising the authority under clause (i).

3 (B) STATE LAW.—If the term “supervisory
4 employee”, or a substantially equivalent term,
5 has a substantially equivalent meaning under
6 applicable State law to the meaning under sub-
7 paragraph (A) on the date of the enactment of
8 this Act, such term, or substantially equivalent
9 term, and meaning under such applicable State
10 law shall apply with respect to the term “super-
11 visory employee” under this Act for public em-
12 ployees and public employers in such State.

13 **SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBIL-**
14 **ITIES.**

15 (a) DETERMINATION.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Author-
18 ity shall make a determination as to whether a State
19 substantially provides for the rights and responsibil-
20 ities described in subsection (b).

21 (2) CONSIDERATION OF ADDITIONAL OPIN-
22 IONS.—In making the determination described in
23 paragraph (1), the Authority shall consider the opin-
24 ions of affected public employees, labor organiza-
25 tions, and public employers. In the case where the

1 Authority is notified by an affected public employer
2 and labor organization that both parties agree that
3 the law applicable to such employer and labor orga-
4 nization substantially provides for the rights and re-
5 sponsibilities described in subsection (b), the Author-
6 ity shall give such agreement weight to the max-
7 imum extent practicable in making the Authority's
8 determination described in paragraph (1).

9 (3) LIMITED CRITERIA.—In making the deter-
10 mination described in paragraph (1), the Authority
11 shall be limited to the application of the criteria de-
12 scribed in subsection (b) and shall not use any addi-
13 tional criteria.

14 (4) SUBSEQUENT DETERMINATIONS.—

15 (A) IN GENERAL.—A determination made
16 pursuant to paragraph (1) shall remain in ef-
17 fect unless and until the Authority issues a sub-
18 sequent determination, in accordance with the
19 procedures set forth in subparagraph (B).

20 (B) PROCEDURES FOR SUBSEQUENT DE-
21 TERMINATIONS.—Upon establishing that a ma-
22 terial change in State law or its interpretation
23 has occurred, a public employee, public em-
24 ployer, or a labor organization may submit a
25 written request for a subsequent determination.

1 If satisfied that a material change in State law
2 or its interpretation has occurred, the Authority
3 shall issue a subsequent determination not later
4 than 30 days after receipt of such request.

5 (5) JUDICIAL REVIEW.—Any person or public
6 employer aggrieved by a determination of the Au-
7 thority under this section may, during the 60-day
8 period beginning on the date on which the deter-
9 mination was made, petition any United States
10 Court of Appeals in the circuit in which the person
11 or public employer resides or transacts business or
12 in the Court of Appeals for the District of Columbia
13 Circuit, for judicial review. In any judicial review of
14 a determination made by the Authority described in
15 paragraph (1), the procedures contained in sub-
16 sections (c) and (d) of section 7123 of title 5,
17 United States Code, shall be followed.

18 (b) RIGHTS AND RESPONSIBILITIES.—The rights and
19 responsibilities described in this subsection are each of the
20 following:

21 (1) Granting public employees the right to self-
22 organization, to form, join, or assist a labor organi-
23 zation, to bargain collectively through representa-
24 tives of their own choosing, and to engage in other

1 concerted activities for the purpose of collective bar-
2 gaining or other mutual aid or protection.

3 (2) Requiring public employers to—

4 (A) recognize the labor organization of its
5 public employees (freely chosen in an election
6 by a majority of such employees voting in the
7 appropriate unit), without requiring an election
8 to recertify a labor organization that is already
9 recognized as the representative of such employ-
10 ees unless not less than 30 percent of such em-
11 ployees in the appropriate unit freely sign a pe-
12 tition to decertify such labor organization;

13 (B) collectively bargain with such recog-
14 nized labor organization; and

15 (C) commit any agreements with such rec-
16 ognized labor organization to writing in a con-
17 tract or memorandum of understanding.

18 (3) Making available an interest impasse resolu-
19 tion mechanism, such as fact-finding, mediation, ar-
20 bitration, or comparable procedures and providing
21 for the payroll deduction of labor organization fees
22 to any duly-selected representative of public employ-
23 ees pursuant to the terms of an authorization exe-
24 cuted by such public employees.

1 (4) Requiring enforcement of all rights, respon-
 2 sibilities, and protections provided by State law and
 3 enumerated in this section, and of any written con-
 4 tract or memorandum of understanding between a
 5 labor organization and a public employer, through—

6 (A) a State administrative agency, if the
 7 State so chooses;

8 (B) at the election of an aggrieved party,
 9 the State courts; or

10 (C) in the case of an alleged violation, mis-
 11 interpretation, or misapplication of the contract
 12 or memorandum of understanding, a grievance
 13 resolution procedure negotiated in such contract
 14 or memorandum.

15 (c) COMPLIANCE WITH REQUIREMENTS.—If the Au-
 16 thority determines, acting pursuant to its authority under
 17 subsection (a), that a State substantially provides for the
 18 rights and responsibilities described in subsection (b), then
 19 subsection (d) shall not apply.

20 (d) FAILURE TO MEET REQUIREMENTS.—

21 (1) IN GENERAL.—If the Authority determines,
 22 acting pursuant to its authority under subsection
 23 (a), that a State does not substantially provide for
 24 the rights and responsibilities described in sub-
 25 section (b), then such State shall be subject to the

1 regulations and procedures described in section 5 be-
2 ginning on the later of—

3 (A) the date that is 2 years after the date
4 of enactment of this Act;

5 (B) the date that is the last day of the
6 first regular session of the legislature of the
7 State that begins after the date of the enact-
8 ment of this Act; or

9 (C) in the case of a State receiving a sub-
10 sequent determination under subsection (a)(4),
11 the date that is the last day of the first regular
12 session of the legislature of the State that be-
13 gins after the date the Authority made the de-
14 termination.

15 (2) PARTIAL FAILURE.—If the Authority makes
16 a determination that a State does not substantially
17 provide for the rights and responsibilities described
18 in subsection (b) solely because the State law sub-
19 stantially provides for such rights and responsibil-
20 ities for certain categories of public employees but
21 not others, the Authority shall identify—

22 (A) those categories of public employees
23 that shall be subject to the regulations and pro-
24 cedures described in section 5, pursuant to sec-

1 tion 8(b)(3), beginning on the applicable date
2 under paragraph (1); and

3 (B) those categories of public employees
4 that shall not be subject to the regulations and
5 procedures described in section 5.

6 **SEC. 5. MINIMUM STANDARDS ADMINISTERED BY THE FED-**
7 **ERAL LABOR RELATIONS AUTHORITY.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this Act, the Authority shall issue
10 regulations in accordance with the rights and responsibil-
11 ities described in section 4(b) establishing collective bar-
12 gaining procedures for public employers, labor organiza-
13 tions, and public employees in States which the Authority
14 has determined, acting pursuant to section 4(a), do not
15 substantially provide for such rights and responsibilities.

16 (b) ROLE OF THE FEDERAL LABOR RELATIONS AU-
17 THORITY.—The Authority, to the extent provided in this
18 Act and in accordance with regulations prescribed by the
19 Authority, shall—

20 (1) protect the right of public employees to
21 form, join, or assist any labor organization, or to re-
22 frain from any such activity, freely and without fear
23 of penalty or reprisal, protect the right of public em-
24 ployees to bargain collectively through representa-
25 tives of their own choosing, and protect the right of

1 public employees to engage in other concerted activi-
2 ties for the purpose of collective bargaining or other
3 mutual aid or protection;

4 (2) supervise or conduct elections to determine
5 whether a labor organization has been selected as an
6 exclusive representative by a majority of the public
7 employees voting in such election in an appropriate
8 unit, and provide for the payroll deduction of labor
9 organization fees to any such duly-elected exclusive
10 representative pursuant to the terms of an author-
11 ization executed by a public employee;

12 (3) determine the appropriateness of units for
13 labor organization representation;

14 (4) require public employers to—

15 (A) recognize the labor organization of its
16 public employees (freely chosen by a majority of
17 such employees voting in the appropriate unit)
18 as the exclusive representative of such employ-
19 ees;

20 (B) bargain in good faith with such labor
21 organization concerning public employees'
22 wages, hours, and other terms and conditions of
23 employment, which shall include a procedure for
24 the settlement of grievances culminating in
25 binding arbitration in any agreement and a pro-

1 cedure for resolving any impasses in collective
2 bargaining; and

3 (C) commit any agreements to writing in a
4 contract or memorandum of understanding;

5 (5) prohibit practices which interfere with, co-
6 erce, or intimidate public employees in the exercise
7 of rights guaranteed in paragraph (1) or regulations
8 issued thereunder;

9 (6) conduct hearings and resolve complaints
10 concerning violations of any regulation or order
11 issued by the Authority pursuant to this Act;

12 (7) resolve exceptions to the awards of arbitra-
13 tors; and

14 (8) take such other actions as are necessary
15 and appropriate to effectively administer this Act,
16 including issuing subpoenas requiring the attendance
17 and testimony of witnesses and the production of
18 documentary or other evidence from any place in the
19 United States, administering oaths, taking or order-
20 ing the taking of depositions, ordering responses to
21 written interrogatories, and receiving and examining
22 witnesses.

23 (c) ENFORCEMENT.—The Authority may issue an
24 order directing compliance by any person or public em-
25 ployer found to be in violation of this section, and may

1 petition any United States Court of Appeals with jurisdic-
 2 tion over the parties, or the United States Court of Ap-
 3 peals for the District of Columbia Circuit, to enforce any
 4 such final orders issued pursuant to this section or pursu-
 5 ant to regulations issued under this section, and for appro-
 6 priate temporary relief or a restraining order. Any petition
 7 under this section shall be conducted in accordance with
 8 subsections (c) and (d) of section 7123 of title 5, United
 9 States Code.

10 **SEC. 6. LOCKOUTS AND EMPLOYEE STRIKES PROHIBITED**

11 **WHEN EMERGENCY OR PUBLIC SAFETY SERV-**
 12 **ICES IMPERILED.**

13 (a) IN GENERAL.—Subject to subsection (b), any em-
 14 ployer, emergency services employee, or law enforcement
 15 officer to which section 5 applies may not engage in a lock-
 16 out, strike, or any other organized job action of which a
 17 reasonably probable result is a measurable disruption of
 18 the delivery of emergency or public safety services. No
 19 labor organization may cause or attempt to cause a viola-
 20 tion of this subsection.

21 (b) NO PREEMPTION.—Nothing in this section shall
 22 be construed to preempt any law of any State or political
 23 subdivision of any State with respect to strikes by emer-
 24 gency services employees or law enforcement officers.

1 **SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND**
2 **AGREEMENTS.**

3 The enactment of this Act shall not invalidate any
4 certification, recognition, result of an election, collective
5 bargaining agreement, or memorandum of understanding
6 that—

7 (1) has been issued, approved, or ratified by
8 any public employee relations board or commission,
9 or by any State or political subdivision or an agent
10 or management official of such State or political
11 subdivision; and

12 (2) is in effect on the day before the date of en-
13 actment of this Act.

14 **SEC. 8. EXCEPTIONS; RULES OF CONSTRUCTION.**

15 (a) IN GENERAL.—Section 4(d), and the regulations
16 and procedures under section 5, shall not apply—

17 (1) solely because a State law permits a public
18 employee to appear on the employee's own behalf
19 with respect to the employee's employment relations
20 with the public employer involved;

21 (2) solely because a State law excludes from its
22 coverage public employees of a State militia or na-
23 tional guard;

24 (3) to a political subdivision of a State if—

1 (A) such political subdivision has a popu-
 2 lation of fewer than 5,000 people or employs
 3 fewer than 25 public employees; and

4 (B) the State in which such political sub-
 5 division is located notifies the Authority of the
 6 State's request that such political subdivision be
 7 exempt from such sections; or

8 (4) solely because the laws or ordinances of a
 9 State or political subdivision of a State permit or re-
 10 quire a public employer to recognize a labor organi-
 11 zation on the basis of signed authorizations executed
 12 by public employees designating the labor organiza-
 13 tion as their representative.

14 (b) COMPLIANCE.—

15 (1) ACTIONS OF STATES.—Nothing in this Act
 16 or the regulations promulgated under this Act shall
 17 be construed to require a State to rescind, or pre-
 18 empt, the laws or ordinances of any political subdivi-
 19 sion of the State, if such laws or ordinances provide
 20 rights and responsibilities for public employees that
 21 are comparable to or greater than the rights and re-
 22 sponsibilities described in section 4(b).

23 (2) ACTIONS OF THE DISTRICT OF COLUM-
 24 BIA.—Nothing in this Act or the regulations promul-
 25 gated under this Act shall be construed—

1 (A) to require the District of Columbia to
2 rescind—

3 (i) section 501 of the District of Co-
4 lumbia Government Comprehensive Merit
5 Personnel Act (1–605.01, D.C. Official
6 Code), establishing the Public Employee
7 Relations Board of the District of Colum-
8 bia; or

9 (ii) section 502 of such Act (1–
10 605.02, D.C. Official Code), establishing
11 the power of the Board;

12 (B) to preempt the laws described in sub-
13 paragraph (A); or

14 (C) to limit or alter the powers of the gov-
15 ernment of the District of Columbia pursuant
16 to the District of Columbia Home Rule Act
17 (Public Law 93–198; 1–201.01 et seq., D.C.
18 Official Code).

19 (3) ACTIONS OF THE AUTHORITY.—Nothing in
20 this Act or the regulations promulgated under this
21 Act shall be construed to preempt—

22 (A) the laws or ordinances of any State or
23 political subdivision of a State, if such laws or
24 ordinances provide collective bargaining rights
25 for public employees that are comparable to or

1 greater than the rights enumerated in section
2 4(b);

3 (B) the laws or ordinances of any State or
4 political subdivision of a State that substan-
5 tially provide for the rights and responsibilities
6 described in section 4(b) with respect to certain
7 categories of public employees solely because
8 such rights and responsibilities have not been
9 extended to other categories of public employees
10 covered by this Act;

11 (C) the laws or ordinances of any State or
12 political subdivision of a State that substan-
13 tially provide for the rights and responsibilities
14 described in section 4(b), solely because such
15 laws or ordinances provide that a contract or
16 memorandum of understanding between a pub-
17 lic employer and a labor organization must be
18 presented to a legislative body as part of the
19 process for approving such contract or memo-
20 randum of understanding; or

21 (D) the laws or ordinances of any State or
22 political subdivision of a State that permit or
23 require a public employer to recognize a labor
24 organization on the basis of signed authoriza-

1 tions executed by public employees designating
2 the labor organization as their representative.

3 (4) LIMITED ENFORCEMENT POWER.—In the
4 case of a law described in section 4(d)(2), the Au-
5 thority shall only exercise the powers provided in
6 section 5 with respect to those categories of public
7 employees for whom the State does not substantially
8 provide the rights and responsibilities described in
9 section 4(b).

10 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums
12 as may be necessary to carry out the provisions of this
13 Act.

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