

Resolution 3
Urging the Congress to Respect Separation of Powers and Principles of Federalism with Regard to Enacting Legislation to Establish Minimum Collective Bargaining Rights for Public Safety Officers

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators, in fulfilling their leadership role for state judicial systems, have traditionally taken positions to defend against proposed policies that threaten principles of federalism or that seek to preempt proper state court authority; and

WHEREAS, the Public Safety Employer-Employee Cooperation Act of 2009 (H.R. 413 and S. 3194), now pending in Congress, would establish minimum collective bargaining rights for public safety officers employed by state and local governments including courts; and

WHEREAS, the Act includes definitions that would broadly grant collective bargaining rights to state and local judges, probation officers and other judicial branch employees; and

WHEREAS, the Act, in its current form, expands collective bargaining rights to include judicial branch employees who do not have public safety responsibilities; and

WHEREAS, the Act, in setting a nationwide floor for the collective bargaining rights of public safety employees, would impose unfunded fiscal mandates on some states; and

WHEREAS, the Act, in federalizing the collective bargaining rights of public safety officers in all states, violates the separation of powers, principles of federalism and the authority of states to establish the proper relationships between government employer and government employee;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators oppose the Public Safety Employer-Employee Cooperation Act of 2009 unless Congress amends the Act to exempt state and local judicial officers and judicial branch employees.

Adopted as proposed by the CCJ Civil Justice Committee at the 2010 Annual Meeting on July 28, 2010.