

115TH CONGRESS
2D SESSION

H. R. 6238

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 HOUSE OF REPRESENTATIVES

JUNE 27, 2018

Mr. CARTWRIGHT (for himself, Mr. GENE GREEN of Texas, Mr. PALLONE, Mr. SCOTT of Virginia, Ms. SCHAKOWSKY, Ms. NORTON, Ms. BONAMICI, Mr. RUSH, Mr. DEFazio, Ms. KAPTUR, Mr. BEYER, Mr. COHEN, Mr. SCHRADER, Ms. WILSON of Florida, Mr. ESPAILLAT, Mr. POCAN, Mr. CONNOLLY, and Mr. TAKANO) introduced the following bill; which was referred to the Committee on Education and the Workforce

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

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

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

15 (B) materially affecting, restraining, or
16 controlling the flow of goods into the channels
17 of commerce, or the prices of such materials or
18 goods in commerce; or

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

23 (2) The inequality of bargaining power between
24 public employees, who do not possess full freedom of
25 association or actual liberty of contract, and public
26 employers substantially burdens and affects the flow

1 of commerce, and tends to aggravate recurrent busi-
2 ness depressions, by depressing wage rates and the
3 purchasing power of wage earners and by negatively
4 affecting the stabilization of competitive wage rates
5 and decent working conditions.

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

17 (4) To be most effective and stable, labor-man-
18 agement relationships in the public sector must be
19 based on trust, mutual respect, open communication,
20 bilateral consensual problem solving, and shared ac-
21 countability. In many public agencies, it is the union
22 that provides the institutional stability as elected
23 leaders and appointees come and go.

24 (5) State and local public employees play an es-
25 sential role in the efforts of the United States to de-

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

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

22 (7) Conflict between public employers and pub-
23 lic employees has implications for the security of
24 public employees and the public and affects inter-
25 state and intrastate commerce. Ineffective and un-

1 stable labor-management relations can detrimentally
2 impact the upgrading of public services of local com-
3 munities, the health and well-being of public employ-
4 ees, and the morale within public agencies. Addition-
5 ally, these factors have significant commercial reper-
6 cussions. Moreover, providing minimal standards for
7 collective bargaining rights in the public sector can
8 prevent industrial strife between labor and manage-
9 ment that interferes with the normal flow of com-
10 merce. It is settled law that Congress has authority
11 under the Commerce Clause of the United States
12 Constitution to safeguard protections for employees
13 of State and local governments.

14 (8) Many States and localities already have
15 laws that provide public employees with collective
16 bargaining rights comparable to or greater than the
17 rights and responsibilities set forth in this Act, and
18 such State and local laws should be respected.

19 (9) While the National Labor Relations Act (29
20 U.S.C. 151 et seq.) protects the rights of private-
21 sector employees to form or join unions, act
22 concertedly for the purpose of collective bargaining
23 or other mutual aid or protection, and bargain col-
24 lectively with their employers, no Federal law pro-
25 tects these fundamental labor rights for employees

1 of the States, including territories and possessions of
2 the United States, and the political subdivisions
3 thereof. The Federal Government needs to encour-
4 age conciliation, mediation, and dispute resolution to
5 aid and encourage public employers and the rep-
6 resentatives of their public employees to reach and
7 maintain agreements concerning rates of pay, hours,
8 and working conditions, and to make all reasonable
9 efforts through negotiations to settle their dif-
10 ferences by mutual agreement reached through col-
11 lective bargaining or by such methods as may be
12 provided for in any applicable agreement for the set-
13 tlement of disputes.

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

15 (1) secure the rights of public employees to
16 form or join unions, act concertedly for the purpose
17 of collective bargaining or other mutual aid or pro-
18 tection, and bargain collectively with their employ-
19 ers; and

20 (2) reaffirm the policy of the United States to
21 encourage the practice and procedure of collective
22 bargaining, which safeguards the public interest and
23 promotes the free and unobstructed flow of com-
24 merce.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

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

20 (3) **CONFIDENTIAL EMPLOYEE.**—

21 (A) **IN GENERAL.**—Except as provided in
22 subparagraph (B), the term “confidential em-
23 ployee” means a public employee who acts in a
24 confidential capacity with respect to an indi-
25 vidual who formulates or effectuates manage-

1 ment policies in the field of labor-management
2 relations.

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

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

16 (A) a public employee providing out-of-hos-
17 pital emergency medical care, including an
18 emergency medical technician, paramedic, or
19 first responder; or

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

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

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

11 (7) LAW ENFORCEMENT OFFICER.—The term
12 “law enforcement officer” has the meaning given
13 such term in section 1204 of the Omnibus Crime
14 Control and Safe Streets Act of 1968 (34 U.S.C.
15 10284).

16 (8) MANAGEMENT EMPLOYEE.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), the term “management em-
19 ployee” means an individual employed by a pub-
20 lic employer in a position the duties and respon-
21 sibilities of which require or authorize the indi-
22 vidual to formulate, determine, or influence the
23 policies of the employer.

24 (B) STATE LAW.—If the term “manage-
25 ment employee”, or a substantially equivalent

1 term, has a substantially equivalent meaning
2 under applicable State law to the meaning
3 under subparagraph (A) on the date of the en-
4 actment of this Act, such term, or substantially
5 equivalent term, and meaning under such appli-
6 cable State law shall apply with respect to the
7 term “management employee” under this Act
8 for public employees and public employers in
9 such State.

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

12 (10) PUBLIC EMPLOYEE.—The term “public
13 employee”—

14 (A) means a person, employed by a public
15 employer, who in any workweek is engaged in
16 commerce or in the production of goods for
17 commerce, or is employed in an enterprise en-
18 gaged in commerce or in the production of
19 goods for commerce (as the terms “commerce”,
20 “goods”, and “enterprise engaged in commerce
21 or in the production of goods for commerce”
22 are defined in section 3 of the Fair Labor
23 Standards Act of 1938);

1 (B) includes an individual who is tempo-
2 rarily transferred to a supervisory or manage-
3 ment position; and

4 (C) does not include a permanent super-
5 visory employee, permanent management em-
6 ployee, or permanent confidential employee, or
7 an elected official.

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

11 (A) A State or the political subdivision of
12 a State, including a territory or political sub-
13 division of a territory.

14 (B) Any authority, agency, school district,
15 board or other entity controlled and operated by
16 an entity described in subparagraph (A).

17 (12) STATE.—The term “State” means each of
18 the several States of the United States, the District
19 of Columbia, and any territory or possession of the
20 United States.

21 (13) SUBSTANTIALLY PROVIDES.—The term
22 “substantially provide” or “substantially provides”,
23 with respect to the rights and responsibilities de-
24 scribed in section 4(b), means providing rights and
25 responsibilities that are comparable to or greater

1 than each of the rights and responsibilities described
2 in such section.

3 (14) SUPERVISORY EMPLOYEE.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), the term “supervisory em-
6 ployee” means an individual, employed by a
7 public employer, who—

8 (i) has the authority in the interest of
9 the employer, if the exercise of the author-
10 ity is not merely routine or clerical in na-
11 ture but requires the consistent exercise of
12 independent judgment, to—

13 (I) hire, promote, reward, trans-
14 fer, furlough, lay off, recall, suspend,
15 discipline, or remove public employees;

16 (II) adjust the grievances of pub-
17 lic employees; or

18 (III) effectively recommend any
19 action described in subclause (I) or
20 (II); and

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

23 (B) STATE LAW.—If the term “supervisory
24 employee”, or a substantially equivalent term,
25 has a substantially equivalent meaning under

1 applicable State law to the meaning under sub-
2 paragraph (A) on the date of the enactment of
3 this Act, such term, or substantially equivalent
4 term, and meaning under such applicable State
5 law shall apply with respect to the term “super-
6 visory employee” under this Act for public em-
7 ployees and public employers in such State.

8 **SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBIL-**
9 **ITIES.**

10 (a) DETERMINATION.—

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

16 (2) CONSIDERATION OF ADDITIONAL OPIN-
17 IONS.—In making the determination described in
18 paragraph (1), the Authority shall consider the opin-
19 ions of affected public employees, labor organiza-
20 tions, and public employers. In the case where the
21 Authority is notified by an affected public employer
22 and labor organization that both parties agree that
23 the law applicable to such employer and labor orga-
24 nization substantially provides for the rights and re-
25 sponsibilities described in subsection (b), the Author-

1 ity shall give such agreement weight to the max-
2 imum extent practicable in making the Authority's
3 determination described in paragraph (1).

4 (3) LIMITED CRITERIA.—In making the deter-
5 mination described in paragraph (1), the Authority
6 shall be limited to the application of the criteria de-
7 scribed in subsection (b) and shall not require any
8 additional criteria.

9 (4) SUBSEQUENT DETERMINATIONS.—

10 (A) IN GENERAL.—A determination made
11 pursuant to paragraph (1) shall remain in ef-
12 fect unless and until the Authority issues a sub-
13 sequent determination, in accordance with the
14 procedures set forth in subparagraph (B).

15 (B) PROCEDURES FOR SUBSEQUENT DE-
16 TERMINATIONS.—Upon establishing that a ma-
17 terial change in State law or its interpretation
18 has occurred, a public employee, public em-
19 ployer, or a labor organization may submit a
20 written request for a subsequent determination.
21 If satisfied that a material change in State law
22 or its interpretation has occurred, the Authority
23 shall issue a subsequent determination not later
24 than 30 days after receipt of such request.

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

14 (b) RIGHTS AND RESPONSIBILITIES.—The rights and
15 responsibilities described in this section are each of the
16 following:

17 (1) Granting public employees the right to self-
18 organization, to form, join, or assist a labor organi-
19 zation, to bargain collectively through representa-
20 tives of their own choosing, and to engage in other
21 concerted activities for the purpose of collective bar-
22 gaining or other mutual aid or protection.

23 (2) Requiring public employers to—

24 (A) recognize the labor organization of its
25 public employees (freely chosen in an election

1 by a majority of such employees voting in the
2 appropriate unit), without requiring an election
3 to recertify a labor organization that is already
4 recognized as the representative of such employ-
5 ees unless not less than 30 percent of such em-
6 ployees in the appropriate unit freely sign a pe-
7 tition to decertify such labor organization;

8 (B) collectively bargain with such recog-
9 nized labor organization; and

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

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

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

1 (A) a State administrative agency, if the
2 State so chooses;

3 (B) at the election of an aggrieved party,
4 the State courts; or

5 (C) in the case of an alleged violation, mis-
6 interpretation, or misapplication of the contract
7 or memorandum of understanding, a grievance
8 resolution procedure negotiated in such contract
9 or memorandum.

10 (c) COMPLIANCE WITH REQUIREMENTS.—If the Au-
11 thority determines, acting pursuant to its authority under
12 subsection (a), that a State substantially provides for the
13 rights and responsibilities described in subsection (b), then
14 subsection (d) shall not apply.

15 (d) FAILURE TO MEET REQUIREMENTS.—

16 (1) IN GENERAL.—If the Authority determines,
17 acting pursuant to its authority under subsection
18 (a), that a State does not substantially provide for
19 the rights and responsibilities described in sub-
20 section (b), then such State shall be subject to the
21 regulations and procedures described in section 5 be-
22 ginning on the later of—

23 (A) the date that is 2 years after the date
24 of enactment of this Act;

1 (B) the date that is the last day of the
2 first regular session of the legislature of the
3 State that begins after the date of the enact-
4 ment of this Act; or

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

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

18 (A) those categories of public employees
19 that shall be subject to the regulations and pro-
20 cedures described in section 5, pursuant to sec-
21 tion 8(b)(3), beginning on the applicable date
22 under paragraph (1); and

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

1 **SEC. 5. MINIMUM STANDARDS ADMINISTERED BY THE FED-**
2 **ERAL LABOR RELATIONS AUTHORITY.**

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

11 (b) ROLE OF THE FEDERAL LABOR RELATIONS AU-
12 THORITY.—The Authority, to the extent provided in this
13 Act and in accordance with regulations prescribed by the
14 Authority, shall—

15 (1) protect the right of public employees to
16 form, join, or assist any labor organization, or to re-
17 frain from any such activity, freely and without fear
18 of penalty or reprisal, protect the right of public em-
19 ployees to bargain collectively through representa-
20 tives of their own choosing, and protect the right of
21 public employees to engage in other concerted activi-
22 ties for the purpose of collective bargaining or other
23 mutual aid or protection;

24 (2) supervise or conduct elections to determine
25 whether a labor organization has been selected as an
26 exclusive representative by a majority of the public

1 employees voting in such election in an appropriate
2 unit, and provide for the payroll deduction of labor
3 organization fees to any such duly-elected exclusive
4 representative pursuant to the terms of an author-
5 ization executed by a public employee;

6 (3) determine the appropriateness of units for
7 labor organization representation;

8 (4) require public employers to—

9 (A) recognize the labor organization of its
10 public employees (freely chosen by a majority of
11 such employees voting in the appropriate unit)
12 as the exclusive representative of such employ-
13 ees;

14 (B) bargain in good faith with such labor
15 organization concerning public employees' terms
16 and conditions of employment, which shall in-
17 clude a procedure for the settlement of griev-
18 ances culminating in binding arbitration in any
19 agreement and a procedure for resolving any
20 impasses in collective bargaining; and

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

23 (5) prohibit practices which interfere with, co-
24 erce, or intimidate public employees in the exercise

1 of rights guaranteed in paragraph (1) or regulations
2 issued thereunder;

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

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

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

17 (c) ENFORCEMENT.—The Authority may issue an
18 order directing compliance by any person or public em-
19 ployer found to be in violation of this section, and may
20 petition any United States Court of Appeals with jurisdic-
21 tion over the parties, or the United States Court of Ap-
22 peals for the District of Columbia Circuit, to enforce any
23 such final orders issued pursuant to this section or pursu-
24 ant to regulations issued under this section, and for appro-
25 priate temporary relief or a restraining order. Any petition

1 under this section shall be conducted in accordance with
2 subsections (c) and (d) of section 7123 of title 5, United
3 States Code.

4 **SEC. 6. LOCKOUTS AND EMPLOYEE STRIKES PROHIBITED**
5 **WHEN EMERGENCY OR PUBLIC SAFETY SERV-**
6 **ICES IMPERILED.**

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

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

19 **SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND**
20 **AGREEMENTS.**

21 The enactment of this Act shall not invalidate any
22 certification, recognition, result of an election, collective
23 bargaining agreement, or memorandum of understanding
24 that—

1 (1) has been issued, approved, or ratified by
2 any public employee relations board or commission,
3 or by any State or political subdivision or an agent
4 or management official of such State or political
5 subdivision; and

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

8 **SEC. 8. EXCEPTIONS.**

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

11 (1) solely because a State law permits a public
12 employee to appear on the employee’s own behalf
13 with respect to the employee’s employment relations
14 with the public employer involved;

15 (2) solely because a State law excludes from its
16 coverage public employees of a State militia or na-
17 tional guard; or

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

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

22 (B) the State in which such political sub-
23 division is located notifies the Authority of the
24 State’s request that such political subdivision be
25 exempt from such sections.

1 (b) COMPLIANCE.—

2 (1) ACTIONS OF STATES.—Nothing in this Act
3 or the regulations promulgated under this Act shall
4 be construed to require a State to rescind or pre-
5 empt the laws or ordinances of any political subdivi-
6 sion of the State if such laws or ordinances provide
7 rights and responsibilities for public employees that
8 are comparable to or greater than the rights and re-
9 sponsibilities described in section 4(b).

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

13 (A) to require the District of Columbia to
14 rescind—

15 (i) section 501 of the District of Co-
16 lumbia Government Comprehensive Merit
17 Personnel Act (1–605.01, D.C. Official
18 Code), establishing the Public Employee
19 Relations Board of the District of Colum-
20 bia; or

21 (ii) section 502 of such Act (1–
22 605.02, D.C. Official Code), establishing
23 the power of the Board;

24 (B) to preempt the laws described in sub-
25 paragraph (A); or

1 (C) to limit or alter the powers of the gov-
2 ernment of the District of Columbia pursuant
3 to the District of Columbia Home Rule Act.

4 (3) ACTIONS OF THE AUTHORITY.—Nothing in
5 this Act or the regulations promulgated under this
6 Act shall be construed to preempt—

7 (A) the laws or ordinances of any State or
8 political subdivision of a State, if such laws or
9 ordinances provide collective bargaining rights
10 for public employees that are comparable to or
11 greater than the rights enumerated in section
12 4(b);

13 (B) the laws or ordinances of any State or
14 political subdivision of a State that substan-
15 tially provide for the rights and responsibilities
16 described in section 4(b) with respect to certain
17 categories of public employees solely because
18 such rights and responsibilities have not been
19 extended to other categories of public employees
20 covered by this Act;

21 (C) the laws or ordinances of any State or
22 political subdivision of a State that substan-
23 tially provide for the rights and responsibilities
24 described in section 4(b), solely because such
25 laws or ordinances provide that a contract or

1 memorandum of understanding between a pub-
2 lic employer and a labor organization must be
3 presented to a legislative body as part of the
4 process for approving such contract or memo-
5 randum of understanding; or

6 (D) the laws or ordinances of any State or
7 political subdivision of a State that permit or
8 require a public employer to recognize a labor
9 organization on the basis of signed authoriza-
10 tions executed by employees designating the
11 labor organization as their representative.

12 (4) LIMITED ENFORCEMENT POWER.—In the
13 case of a law described in subsection (d)(2), the Au-
14 thority shall only exercise the powers provided in
15 section 5 with respect to those categories of public
16 employees for whom the State does not substantially
17 provide the rights and responsibilities described in
18 section 4(b).

19 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such sums
21 as may be necessary to carry out the provisions of this
22 Act.

○