



The Washington Report

The Newsletter of the National Association of Police Organizations

Representing America's Finest

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COLLECTIVE BARGAINING BILL INTRODUCED IN SENATE

On August 6, 2009, just weeks before he died after a lengthy battle with brain cancer, Senator Ted Kennedy (D-MA), together with Senator Judd Gregg (R-NH), introduced the Public Safety Employer-Employee Cooperation Act, S. 1611. The death of Senator Kennedy, our long-time champion of the Collective Bargaining bill, is truly unfortunate, but his staff and colleagues in the Senate have vowed to carry on his legacy and move this bill forward. Senator Gregg will lead the push with the assistance of Senator Chris Dodd (D-CT), and Senator Tom Harkin (D-IA), the new chairman of the Senate Health, Education, Labor and Pensions Committee.

A few substantive changes were made with an eye toward protecting existing collective bargaining laws and giving States even more flexibility to craft their own law. These changes include:

- Presumption of compliance. The legislation includes language from the House bill, H.R. 413, presuming that existing State laws are in compliance with the federal standards unless the Federal Labor Relations Authority (FLRA) affirmatively finds that they are not. This provision adds yet another layer of protection for existing State collective bargaining laws.
- Limit FLRA authority. The legislation clarifies that the FLRA can only evaluate State laws based on the minimum standards in the bill, and nothing else. The FLRA could not create new requirements and then impose them on States.
- Labor-management agreement given maximum weight. When deciding whether a State law complies with the Act's minimum standards, the FLRA must now give maximum weight to an agreement between management and labor that a State law complies with the Act.
- Enforcement flexibility. The legislation clarifies that States may empower a state administrative agency to enforce the law before a court can be asked to intervene.
- Respect State strike prohibitions. The legislation strengthens the strike prohibition and clarifies that State strike bans should not be preempted.
- Accommodate State legislatures. The bill gives non-collective bargaining States whose legislatures meet infrequently more time to comply with the collective bargaining standards. These State legislatures would have either two years after the bill is signed, or until the end of the legislative session that begins after the date the bill is signed into law, whichever comes later, to achieve compliance.

These changes were made to assuage the concerns of Senators who support the legislation, but who represent right-to-work states. Additionally, the changes put the Senate bill more in line with the House bill, making it easier for the Collective Bargaining bill to pass both houses of Congress.

S. 1611 currently has 7 cosponsors: 4 Republicans (Senators Susan Collins, Olympia Snow, Mel Martinez and Mike Johanns) and 3 Democrats (Senators Tom Harkin, Barbara Mikulski and Christopher Dodd). NAPO continues to push to get floor time for the legislation in the Senate this fall, but currently, the healthcare debate and the final fiscal 2010 appropriations acts have priority.

H.R. 413 currently has 145 cosponsors and our goal is 218 cosponsors, a majority of the House. Please reach out and urge your Congressional representatives and senators to sign on as cosponsors of H.R. 413 and S. 1611.

Please contact Andy Mournighan, NAPO's Director of Governmental Affairs, at the NAPO office at (703) 549-0775 if you would like more information on the Public Safety Employer-Employee Cooperation Act. Also, she can provide you with sample letters to send to your Congressional representatives if needed.

EXECUTIVE DIRECTOR'S REPORT IRS NORMAL RETIREMENT AGE REGULATIONS UPDATE

On Friday, September 11, 2009, NAPO and other stakeholder groups met with Mark Iwry, Senior Advisor to Treasury Secretary Timothy Geithner and Deputy Assistant Treasury Secretary for Retirement and Health Policy. In this newly created position, Mr. Iwry is responsible for policy with respect to pensions, retirement savings, health care and executive compensation.

The meeting was an introductory meeting to establish a relationship with Mr. Iwry and brief him on our biggest concerns and policy issues in regards to state and local governmental pensions. We concentrated on the issues of the IRS normal retirement age regulations, the IRS's steps toward defining what is a governmental plan and its efforts to ensure that governmental pension plans are tax compliant; all of which are unprecedented and would be detrimental to plans, plan sponsors and plan participants if enacted. We indicated to Mr. Iwry that we would be more than happy to work closely and collaboratively with him and the IRS in tackling these issues and ensuring the Treasury gets the information it needs regarding how governmental plans work.

Unlike our conversations with the IRS earlier this year regarding the normal retirement age rules, Mr. Iwry conveyed a willingness and desire to work with NAPO and the other stakeholder groups around the table to address our concerns with the regulations and resolve the problem without Congressional action. NAPO resubmitted all of our previous correspondence with the IRS regarding the normal retirement age regulations to Mr. Iwry to ensure that he is fully informed of our position that governmental plans should be excluded from these rules.

The IRS normal retirement age rules are set to go into effect January 1, 2011; however, NAPO is confident we will resolve the issue with the IRS and they will exclude governmental plans from the final regulations.

NAPO PARTICIPATES IN SERIES OF WHITE HOUSE MEETINGS

At the end of August, the White House held a series of meetings on the issues of immigration reform, gang and crime prevention and the national drug control strategy, at which NAPO was the sole rank-and-file law enforcement organization in attendance.

Comprehensive Immigration Reform

On August 20, 2009, the White House held a meeting with Homeland Security Secretary Janet Napolitano and various stakeholder groups to discuss comprehensive immigration reform. It was more of a listening session for the Department of Homeland Security (DHS) to hear the issues, concerns and advice of those in the community with a stake in immigration reform. NAPO advocated for the 287(g) program and urged the Department not to further weaken the Memorandums of Agreement (MOA) it has with local law enforcement agencies.

While NAPO was joined in supporting the program, there were also groups present who voiced their opposition to it and we were not sure which direction the Administration would go with the program, particularly after it changed the MOAs. However, at the end of the meeting, the President spoke to the participants and clearly stated that the administration will continue to support the 287(g) program. The President added that although he and Secretary Napolitano back the program, DHS will have greater oversight over the agencies acting under a MOA to ensure that there is no abuse of the powers granted to them. This oversight is reflected in the new MOAs, so this announcement was not a surprise to NAPO.

To reinforce our stance in support of the 287(g) program and to respond to the opposing arguments, NAPO sent the President a letter on September 4, 2009, outlining why the program is important for state and local law enforcement and addressing the concerns expressed by the opponents. We will continue to work with the administration and DHS to ensure that the 287(g) program is supported and that state and local law enforcement agencies, particularly those along our Southwest Boarder, are given the resources needed to secure the safety of our communities.

Gang Violence Prevention and Crime Control

On August 24, 2009, NAPO attended the White House National Conference on Gang Violence Prevention and Crime Control, which brought together Attorney General Eric Holder, the Director of the Office of National Drug Control Policy Gil Kerlikowski, mayors, law enforcement, community representatives and scholars to discuss emerging strategies to combat gang violence and criminal activity. It addressed topics such as effective policing strategies, disrupting gang recruitment and the role of the federal government in community-driven gang violence and crime prevention solutions. The conference participants were all supporters and practitioners of community policing and the overall accomplishment of the conference was promoting and sharing best practices for communities to combat gangs and violent crime. What NAPO took from this conference is that the administration is dedicated to rebuilding our nation's community policing services and it is willing to work with and listen to the practitioners and proponents of community policing to do so.

2010 National Drug Control Strategy

On August 27, 2009, the Office of National Drug Control Policy held a meeting with state, local and tribal criminal justice and law enforcement organizations to discuss the 2010 National Drug Control Strategy. The main discussion centered on two facts: that there has been no comprehensive national drug control strategy and that there has been a lack of funding and resources for communities for drug

prevention, treatment and enforcement measures. Reentry and continuity of drug treatment from institution to community were also major issues discussed. NAPO believes that any national strategy needs to blend prevention, intervention and enforcement in order that we can fight the problem from all sides and that to be successful, information sharing and partnerships are key at all levels of government. NAPO hopes that Director Kerlikowski takes into consideration the concerns raised and that they will be reflected in the final 2010 National Drug Control Strategy.

***The Police Appreciation Program for \$500 Cash Back on a Ford or Lincoln Mercury
Extended through January 4, 2010!***

Please inform your members about this extremely popular offer so they can immediately act on this great deal. Contact Nina Kunkel at the NAPO office at (703) 549-0775 for your organization's username & password and for information on how to enroll.

SPECIAL THANKS

NAPO would like to thank all of our generous sponsors for helping to make this year's Top Cops an enormous success. We are so grateful for their commitment to law enforcement and appreciate their support of this most worthwhile program.

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