

Testimony of Paul Nunziato
Vice President, Port Authority Police Benevolent Association
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“Ensuring Collective Bargaining Rights for First Responders: H.R. 980, The Public
Safety Employer-Employee Cooperation Act of 2007”
U.S. House of Representatives Subcommittee on Health, Employment,
Labor and Pensions

Good Afternoon Chairman Andrews, Ranking Member Kline, and members of the Subcommittee. My name is Paul Nunziato and I am a Police Officer with the Port Authority of New York and New Jersey Police Department. I also serve as the Vice-President of the Port Authority Police Benevolent Association (PBA), which is a member organization of the National Association of Police Organizations (NAPO). NAPO represents approximately 238,000 sworn law enforcement officers throughout the United States.

State and local public safety officers play a crucial role in our nation’s counterterrorism and homeland security efforts. They are the first to respond to terrorist attacks, natural disasters and other mass casualty events as evidenced by the tragic events of September 11th.

Congress has long recognized the benefits of a cooperative working relationship between labor and management. Over the years, Congress has extended collective bargaining rights to public employees including letter carriers, postal clerks, public transit employees, and even Congressional employees. However, under current federal and state laws, some public safety employees, including law enforcement, corrections, and fire, are denied the basic rights of collective bargaining. Law enforcement officers put their lives on the line every day to preserve the security and peace that our nation enjoys. It is wrong that many of these same officers are denied the basic American rights of collective bargaining for wages, hours, and safe working conditions.

I believe that collective bargaining rights are crucial to the protection of the health and welfare of public safety officers and their families. I base that upon my own experience as a police officer working for an agency directly impacted by the worst terrorist attack in this nation's history. On September 11, 2001 the World Trade Center, the headquarters of the Port Authority of New York and New Jersey and worldwide symbol of New York and America was attacked.

Only 10 Port Authority police officers were working at the World Trade Center police command at the time of the terrorist attacks on September 11th. Within minutes of the attacks, police officers from throughout our job mobilized from all thirteen police commands to respond to the attacks. I myself responded from home and was mobilized from my command, PATH, a subway system running between New York and New Jersey. Of the 23 members of my roll call at the PATH police command that day, 10 came home. The Port Authority Police Department suffered the worst single day loss of life of any law enforcement agency in the history of the United States. Despite the tremendous risks, I can definitively state that no Port Authority police officer refused an order to respond to the World Trade Center or to enter the towers on September 11th.

Unfortunately, I have direct knowledge that our collective bargaining agreement provides security to our members and their families. My partner, Donald McIntyre, was one of 37 members of my police department who lost their lives in the World Trade Center evacuation effort. Donnie was married with two young children; His wife, Jeannine, was pregnant with a third child. Nothing could make up for the loss of Donnie to his family and that void will never be filled. But as a Vice-President of my union, it pleases me to see that Jeannine does not have to worry about paying bills or providing healthcare for her children due in large part to the benefits my union has negotiated for our membership.

I also want to take this opportunity to address members of this Committee and the Congress who believe that granting collective negotiation rights to police officers represents a danger to national security. The vast majority of the then 1,000 police officers in my agency worked steady 8 hour tours on a 4 day on 2 day off schedule. We had up to 6 weeks of vacation and additional personal leave time. By the end of the day on September 11th, the Port Authority Police Department switched everyone in the Department to 12 hour tours, 7 days a week. Vacations and personal leave time were cancelled. My union did not file any grievances regarding these changes. Everyone recognized that this was a crisis and that emergency measures needed to be resorted to. Our schedule did not return to normal for nearly 3 years. The bottom line is that, even in states with long and strong histories of collective negotiation rights for public safety personnel, management retains discretion to respond to emergencies and potential security risks without negotiation with employees.

As the health risks associated with exposure to the World Trade Center site following 9-11 become more manifest, I am protected by my union's efforts to ensure that workers in the rescue and recovery effort are properly monitored and treated for exposure related diseases that do occur. Employers cannot be permitted to act unchecked because they do not place workers' interests first. For example, the City of New York repeatedly has denied that any of its police officers, firefighters, EMS personnel or other city workers were sickened by exposure to the World Trade Center site. My own agency has resisted classifying legitimate exposure diseases as injuries in the line of duty. I was exposed that day and continued to be exposed for more than a thousand hours in the months afterward as part of the Ground Zero recovery effort.

It is time for the Congress to step up to the plate and act in a comprehensive fashion to mandate collective bargaining in states which do not have it. This

legislation would allow law enforcement officers to negotiate on working conditions and to seek better salaries, benefits, and training, to protect their families and the public. Most importantly, it will allow public safety officers to negotiate the necessary protections that will permit them to walk unselfishly into the line of fire to save the lives of our fellow citizens.

Thank you for this opportunity to speak to you on behalf of America's rank and file law enforcement officers. I ask that my printed testimony be made part of the record, and I would be happy to answer any questions you may have.