

- SUBJECT:** Granting meet-and-confer authority to Houston city employees
- COMMITTEE:** Urban Affairs — committee substitute recommended
- VOTE:** 6 ayes — Talton, Wong, A. Allen, Bailey, Blake, Menendez
0 nays
1 absent — Rodriguez
- WITNESSES:** For — Walter Hinojosa, Texas AFL-CIO; Dee Simpson, American Federation of State County Municipal Employees, City of Houston Employees Local 1550
Against — None
- BACKGROUND:** Local Government Code, ch. 143, authorizes certain cities that have adopted the chapter to “meet and confer” with the city’s fire fighters and police officers to negotiate agreements on wages, benefits, and other city policies affecting these employees.

Under Government Code, sec. 617.002, a city official may not enter into a collective bargaining contract with a labor organization regarding wages, hours, or conditions of employment of public employees. Violation of the prohibition voids the contract. Also, a city official may not recognize a labor organization as the bargaining agent for a group of public employees. Statutes exempt police officers and fire fighters from these prohibitions.
- DIGEST:** CSHB 2866 would authorize any municipality with a population of more than 1.5 million (currently only Houston) to meet and confer with its employees to negotiate agreements on wages, benefits, and other policies affecting employees. The bill would not apply to city fire fighters or police officers or their respective associations, who already are covered by meet-and-confer statutes.

Establishing meet and confer. City employees would be represented in meet-and-confer negotiations by an employee association that would be the exclusive bargaining agent. Within 30 days of receipt of a petition

requesting recognition of an employee association as the employees' exclusive bargaining agent and signed by the majority of the city's employees, the city's governing board would have to either grant recognition of the association, defer recognition and allow the city's voters to decide at the next general election whether a public employer could meet and confer, or order a certification election to determine whether the association represented a majority of covered employees. A city that ordered a certification election subsequently could choose to order an election of the city's voters.

Modifying or changing meet and confer. The recognition of one bargaining association to represent city employees in meet-and-confer agreements could be modified or changed by filing with the city a petition signed by a majority of city employees. Upon receipt of the petition, the city could recognize the change or could order a certification election.

The city could withdraw recognition of a bargaining association with 90 days' written notice or, if more than two years had passed since the association had been recognized, could order an election to determine whether the public employer could continue to meet and confer.

Agreements. The bill explicitly would not require a public employer or a recognized employees' bargaining association to meet and confer on any issue or reach an agreement on any issue. A proposed meet-and-confer agreement would be available to the public only after it was ready to be ratified by the city's governing body. An agreement reached by the employee bargaining agent and the city would be binding if ratified by a majority vote of the city's governing body and a majority vote by secret ballot of the city employees in the association recognized as the employee bargaining agent. An agreement could establish a procedure by which the parties agreed to resolve disputes, including binding arbitration. The bill would give jurisdiction to the local district court to hear and resolve a dispute over a ratified agreement. The court could order restraining orders or injunctions to enforce the agreement.

Upon receipt of a public petition signed by 10 percent of the city's qualified voters within 45 days of the ratification of an agreement, the city's governing body would have to repeal the agreement or allow voters to decide whether to repeal the agreement in the next general election.

Additional provisions. A ratified meet-and-confer agreement would supersede contrary state statutes, local ordinances, and other provisions, except those regarding pensions. Strikes or work stoppages would be prohibited. A meet and confer agreement would not interfere with the right of a member to pursue allegations of discrimination.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 2677 would allow the city of Houston and its employees, excluding police and fire fighters, to resolve their issues locally by granting these parties the right to meet and confer to negotiate agreements. The meet-and-confer process, already granted to Houston police and fire fighters, creates a forum for discussion of employer-employee differences and improves employer-employee relations by enabling these parties to negotiate agreements that are acceptable to both groups. By enabling the city to work out its employee issues locally, the bill would reduce the need for the city to bring these local issues to the Legislature.

The bill would include ample protections for the city of Houston and its residents. The process would not compel either party — the municipality or the employees' bargaining association — to reach any agreement. The bill merely would give the city of Houston another option for efficient communication in reaching agreements on employment matters, should it so choose. The city could call an election of the city's voters to approve meet-and-confer authority, and could repeal that authority with 90 days' notice if it so chose, such as upon receipt of a public petition. The public also could review any agreement reached, and city voters could veto an agreement by petition or election.

CSHB 2677's provisions are nearly identical to the meet-and-confer process granted to Houston fire fighters and very similar to the process for Houston police. The bill would designate a single association as the sole and exclusive bargaining agent for employees, since there is only one general association for city employees, excluding police and fire fighters, in Houston. However, nothing in the bill would prohibit the association from including members of other organizations, should they be formed, on the bargaining team, as Austin's employee bargaining agent now does. Furthermore, the association could not be recognized as the employee bargaining agent unless a majority of the city employees who voted in the election supported the association's bid to become the bargaining agent, and the association could be removed as the bargaining agent if the city

employees were unhappy with the association's negotiations. Improvements in wages and benefits negotiated on behalf of the association's members also would benefit nonmembers.

OPPONENTS
SAY:

CSHB 2866 would allow the city of Houston to create meet-and-confer authority for all city employees without an election. This decision should be left to the people of Houston. It is not enough for voters to be able to bring a petition to repeal an agreement because this would require voters potentially to organize against each agreement. The bill should either require the city to hold an election or allow voters to petition directly to repeal meet-and-confer authority.

CSHB 2866 unfairly would prevent employees who were not members of the association designated as the bargaining agent from voting on whether to accept negotiated agreements. The employee association would represent only a small percentage of the city's employees. Consequently, a vote by the association's members to ratify an agreement would not represent the will of even a majority of the city's workers, regardless of how many employees initially approved the association as the bargaining agent. All employees should be able to vote on agreements that would affect their wages and other benefits.

The bill also could prevent participation in the negotiation process by city employee groups other than the recognized bargaining agent by designating a single employee association as the sole and exclusive bargaining agent for the employees. Although there is only one employee group now, future circumstances could lead to the creation of additional general or minority-oriented associations. By failing to include a provision for these associations to provide input into the negotiations, the bill would exclude any future employee groups.

NOTES:

The committee substitute differed from the bill as filed by placing the bill's provisions in a new chapter rather than in a new subsection to an existing chapter. The substitute also reorganized sections.

The 77th Legislature in 2001 enacted HB 2677 by Bailey, which would have authorized the city of Houston to meet and confer with its employees. The bill was vetoed by Gov. Rick Perry, who stated that "the decision whether the City of Houston should meet and confer with a city employees' union should be left to the people of Houston and not the state."