

## BILL ANALYSIS

Senate Research Center  
78R5574 YDB-F

S.B. 672  
By: Gallegos  
Intergovernmental Relations  
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### DIGEST AND PURPOSE

While associations that represent firefighters in Texas use a method with set procedures which has been accepted by both city management and firefighters, current law does not provide firefighters in some municipalities with a formalized process to facilitate change or improvements in working conditions. As proposed, S.B. 672 grants firefighters in certain municipalities the right to meet and confer with a public employer over issues such as wages, hours, working conditions, and all other terms and conditions of employment, and prohibits strikes and work stoppages by firefighters.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 5C, Local Government Code, by adding Chapter 176, as follows:

#### CHAPTER 176. LOCAL CONTROL OF FIRE FIGHTER EMPLOYMENT MATTERS

Sec. 176.001. **APPLICABILITY.** Provides that this chapter does not apply to certain political subdivisions or municipalities.

Sec. 176.002. **DEFINITIONS.** Defines “fire fighters association” and “public employer.”

Sec. 176.003. **GENERAL PROVISIONS RELATING TO AGREEMENTS AND RECOGNITION.** (a) Provides that to the extent the public employer and the fire fighters association recognized as the sole and exclusive meet and confer agent for the fire fighters employed by the political subdivision come to a mutual agreement on any of the terms of employment or personnel issues, a political subdivision may not be denied local control over certain issues.

(b) Provides that if an agreement is not reached, the local ordinances and civil service rules remain unaffected.

(c) Requires all agreements to be written.

(d) Provides that nothing in this chapter requires either party to meet and confer on any issue or reach an agreement.

Sec. 176.004. **STRIKES PROHIBITED.** (a) Authorizes a public employer to meet and confer only if the fire fighters association recognized under this chapter as the sole and exclusive meet and confer agent does not advocate the illegal right to strike by public employees.

(b) Prohibits fire fighters of a political subdivision from engaging in strikes or organized work stoppages against this state or a political subdivision of this state.

(c) Provides that a fire fighter who participates in a strike forfeits all civil service rights, reemployment rights, and any other rights, benefits, or privileges the fire fighter enjoys as a result of employment or prior employment, except that the right of an individual to cease work may not be abridged if the individual is not acting in concert with others in an organized work stoppage.

Sec. 176.005. RECOGNITION OF FIRE FIGHTERS ASSOCIATION. (a) Requires a fire fighters association submitting a petition signed by a majority of the fire fighters employed by the political subdivision, excluding the head of the fire department and assistant department heads in the rank or classification immediately below that of the department head, in a political subdivision that chooses to meet and confer under this chapter, to be recognized by the public employer as the sole and exclusive meet and confer agent for all of the fire fighters employed by the political subdivision, excluding the department head and assistant department heads, until recognition of the association is withdrawn by a majority of those fire fighters.

(b) Requires whether a fire fighters association represents a majority of the covered fire fighters to be resolved by a fair election conducted according to procedures agreeable to the parties. Authorizes either party if the parties are unable to agree on procedures, to request the Federal Mediation and Conciliation Service to conduct the election and to certify the results.

(c) Provides that certification of the results of an election resolves the question concerning representation.

(d) Provides that the fire fighters association is liable for the expenses of the election, except that if two or more associations seeking recognition as the meet and confer agent submit petitions signed by a majority of the fire fighters eligible to sign the petition, the associations shall share equally the costs of the election.

Sec. 176.006. OPEN MEETINGS REQUIRED. Requires all deliberations relating to an agreement between a fire fighters association and a public employer to be open to the public and held in compliance with any applicable state statutes.

Sec. 176.007. RATIFICATION OF AGREEMENT. Provides that a written agreement made under this chapter between a public employer and a fire fighters association recognized as the sole and exclusive meet and confer agent is enforceable and binding on the public employer, the fire fighters association recognized as the sole and exclusive meet and confer agent, and fire fighters covered by the agreement if certain criteria are met.

Sec. 176.008. ENFORCEABILITY OF AGREEMENT. (a) Provides that a state district court of a judicial district in which a majority of the population of the political subdivision is located has full authority and jurisdiction on the application of either party aggrieved by an action or omission of the other party when the action or omission is related to a right, duty, or obligation provided by any written agreement ratified under Section 176.007.

(b) Authorizes the court to issue proper restraining orders, temporary and permanent injunctions, and any other writ, order, or process, including contempt orders, that are appropriate to enforcing the written agreement ratified under Section 176.007.

Sec. 176.009. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS. (a) Provides that to the extent of any conflict with a previous statute, a written agreement under this chapter between a public employer and the fire fighters association recognized as the sole and exclusive meet and confer agent supersedes, during the term of the agreement, the previous statute concerning certain information.

(b) Provides that a written agreement under this chapter preempts all contrary local ordinances, executive orders, civil service provisions, or rules adopted by a political subdivision or a division or agent of a political subdivision, such as a personnel board

or a civil service commission.

(c) Provides that an agreement under this chapter may not diminish or qualify any right, benefit, or privilege of an employee under a civil service statute or other state law unless approved by a majority of the votes received in the secret ballot election on the agreement by the members of the fire fighters association recognized as the sole and exclusive meet and confer agent.

(d) Provides that a matter that is not covered by an agreement ratified under Section 176.007 remains covered by any applicable agreement or any applicable statute, civil service provision, or other state or local law.

SECTION 2. Effective date: September 1, 2003.