

BILL ANALYSIS

C.S.H.B. 2866
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Firefighters and police officers of the City of Houston are currently covered by meet and confer legislation, but there are no provisions covering the employment matters of Houston's other municipal employees.

C.S.H.B. 2866 grants public employee associations of a municipality of 1.5 million or more 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 employees who participate in these organizations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2866 amends Subtitle A, Title 5, Local Government Code by adding Chapter 146 to address local control of employment matters in municipalities greater than 1.5 million in population. This chapter does not apply to firefighters or police officers covered by Subchapter H, I, or J of Chapter 143 or by Chapter 174, Local Government Code or an employee association in which these employees participate.

The new chapter C defines terms used in the Act and sets forth general procedures including establishing that a public employer may enter into a mutual agreement with an employee association recognized under this chapter as the sole and exclusive bargaining agent for all covered employees provided that the association does not advocate the illegal right to strike. The bill requires that agreements are in writing, does not require the public employer and employee association to meet and confer or come to an agreement and does not authorize an agreement regarding pension or pension related matters in the municipality.

The bill specifies procedures for recognizing an association as the sole and exclusive bargaining unit for covered employees, including allowing a municipality to choose to hold a public election to determine whether the public employer may "meet and confer," and provides procedures for conducting this election. The bill sets forth procedures to allow a recognized association to modify or change the recognition of the employee association; prohibits employees from striking; specifies the procedure for recognizing an employee association as a sole and exclusive bargaining agent for employees and establishes certain protected rights of employees.

Further, the new chapter specifies that the agreement and ancillary documents, when ready to be ratified by the municipality's governing body, are subject to disclosure under the Texas Open Records Act, and that "meet and confer" deliberations are open to the public. Finally, this new chapter details procedures for ratification, enforcement, and repeal by election of any agreement reached between officers and the municipality, and provides that the ratified agreement supersedes any conflicting state statutes, local ordinances, rules, orders or provisions, but does not have any effect on existing benefits.

EFFECTIVE DATE

This Act takes effect September 1, 2005.

C.S.H.B. 2866 79(R)

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds Chapter 146 to the Local Government Code, rather than adding a new subchapter to Chapter 143 of the Local Government Code. The substitute also reorganizes the sections within the new chapter to mirror other "meet and confer" legislation.