

BILL ANALYSIS

H.B. 2892
By: Luna
Urban Affairs
Committee Report (Amended)

BACKGROUND AND PURPOSE

Since 1947, except in certain cases specifically authorized by the Texas Legislature, Texas fire fighter associations have not legally been able to "meet and confer", or reach agreements with their employers on issues concerning staffing, pay, benefits, equipment, or training. "Meet and confer" rights have been granted by the legislature to the Houston Fire Department (1993), Austin Police and Fire Departments (1995), the Houston Police Department (1997), the Fort Worth Police and Fire Departments (2001), and the Houston Metropolitan Transit Authority Police Department (2001).

H.B. 2892 as amended would allow for an association representing fire fighters employed by a municipality with a population of 50,000 or more or a municipality that has adopted Chapter 143 of the Local Government Code to "meet and confer" with the public employer concerning wage and employment conditions. The act would not apply to municipalities which have adopted Chapter 174 of the Local Government Code (collective bargaining), those municipalities that were specifically granted the ability to meet and confer by prior legislation, and would not apply to fire fighters employed by the fire department of the City of Dallas.

Procedures in the bill allow the city government to either agree to engage in meet and confer or put the question of meet and confer to the voters on a ballot referendum. This process begins if a majority of the fire fighters employed by the fire department have signed a petition authorizing an agent to meet and confer on behalf of the fire fighter's association. If the voters are unhappy with the meet and confer agreement, they may repeal the authority to meet and confer. Most importantly, the act would prohibit a fire fighter's association who has engaged in meet and confer from striking.

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

H.B. 2892 as amended adds new Subchapter C to Chapter 142 of the Local Government Code. Subchapter C, establishes provisions for local control of fire fighter employment matters in municipalities with populations over 50,000 or municipalities that have adopted Chapter 143 of the Local Government Code. The act would not apply to municipalities who have adopted Chapter 174 of the Local Government Code, those covered by Subchapters H or I of Chapter 143, Local Government Code, or those that have greater than 1 million in population and have not adopted Chapter 143 of the Local Government Code.

The new Subchapter C defines terms used in the Act; sets forth a procedure for recognition of a bargaining agent for fire fighters in "meet and confer" negotiations; specifies that a municipality may choose to hold a public election to determine whether the public employer may "meet and confer,"; and provides procedures for conducting this election. Additionally, it provides for change of the recognized association by fire fighters; prohibits officers from striking; specifies the procedure for recognizing a fire fighters association as a sole and exclusive bargaining agent for officers; sets forth provisions relating to agreements reached, including a guarantee of local control by the municipality to the extent of any agreement reached; sets forth the selection process of the public employer's and the recognized association's bargaining agent; and guarantees certain rights to officers.

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Further, the new Subchapter C 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 Subchapter 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.

EXPLANATION OF AMENDMENTS

Amendment #1 applies the bill to cities that have adopted Chapter 143 of the Local Government Code in addition to those cities greater with a population of 50,000 or more, removes the reference to Subchapter J of Chapter 143 and makes certain that the city council of a governing body votes on its intentions to meet and confer with a fire fighters association. The amendment also requires that an election be held on a general election date, establishes that an association may not petition for another authorization election before the second anniversary of the date of the election rather than the first anniversary, and that an association may not petition for civil service or collective bargaining during meet and confer negotiations.

The amendment makes certain an agreement between the employer and the association is made public before the agreement is ratified by the municipality and that deliberations of a quorum of the bargaining agent of the employer is open to the public.

Finally, the amendment establishes that a municipality that granted recognition of a firefighters association may withdraw recognition of an association without conducting an election or may put that question to the voters and creates a process for doing so.