

By: Bailey, Martinez Fischer, Menendez,
Leibowitz, McClendon, et al.

H.B. No. 2099

Substitute the following for H.B. No. 2099:

By: Bailey

C.S.H.B. No. 2099

A BILL TO BE ENTITLED

AN ACT

relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 5, Local Government Code, is amended by adding Chapter 147 to read as follows:

CHAPTER 147. LOCAL CONTROL OF MUNICIPAL EMPLOYMENT MATTERS IN CERTAIN MUNICIPALITIES

Sec. 147.001. APPLICABILITY. (a) This chapter applies only to a municipality with a population of more than one million that:

(1) has adopted Chapter 174; and

(2) is not covered by Chapter 146.

(b) This chapter does not apply to:

(1) firefighters or police officers who are covered by Subchapters H, I, or J of Chapter 143 or by Chapter 174;

(2) police officers employed in a municipality's airport or parks and recreation department;

(3) employees managed by a municipally owned utility or other separate agency, board, or political subdivision created or controlled by a municipality; or

(4) an employee association in which employees described by Subdivision (1), (2), or (3) participate.

1 (c) This chapter does not affect any provision or procedure
2 governing employer-employee relations at an entity described by
3 Subsection (b)(2) or (3).

4 Sec. 147.002. MEET AND CONFER PROCESS; AGREEMENTS. A
5 municipality may design a meet and confer process and enter into a
6 written agreement with an employee association recognized in
7 accordance with the process as the sole and exclusive bargaining
8 agent of an employee bargaining unit, under terms and conditions
9 established by the municipality in accordance with this chapter.

10 Sec. 147.003. GENERAL PROVISIONS. (a) A municipality that
11 designs a meet and confer process under this chapter may not be
12 denied local control over wages, salaries, rates of pay, hours of
13 work, other terms and conditions of employment, or other
14 state-mandated personnel issues covered by a meet and confer
15 agreement. A municipality may enter into a written agreement
16 governing these issues with an employee association recognized
17 under the municipality's meet and confer process as the sole and
18 exclusive bargaining agent for an employee bargaining unit that
19 does not advocate the illegal right to strike by municipal
20 employees.

21 (b) The municipality may establish procedures the
22 municipality considers necessary and proper for the implementation
23 of this chapter, including procedures for an election by the voters
24 in the municipality regarding whether the municipality may meet and
25 confer under this chapter.

26 Sec. 147.004. STRIKES PROHIBITED. (a) A municipal
27 employee, employee representative, or employee association may

1 not, either independently or jointly, declare or engage in a strike
2 or organized work stoppage against this state or the municipality.

3 (b) A municipal employee who participates in a strike
4 forfeits any civil service rights, reemployment rights, and other
5 rights, benefits, or privileges the employee may have as a result of
6 the employee's employment or prior employment with the
7 municipality.

8 (c) This section does not affect the right of a person to
9 cease work if the person is not acting in concert with others in an
10 organized work stoppage.

11 Sec. 147.005. ENFORCEABILITY OF AGREEMENT. A state
12 district court of a judicial district in which the municipality is
13 located has jurisdiction to hear and resolve a dispute under a
14 ratified written meet and confer agreement on the application of a
15 party to the agreement aggrieved by an action or omission of the
16 other party when the action or omission is related to a right, duty,
17 or obligation provided by the agreement. The court may issue proper
18 restraining orders, temporary and permanent injunctions, or any
19 other writ, order, or process, including contempt orders, that are
20 appropriate to enforcing the agreement.

21 Sec. 147.006. ELECTION TO REPEAL AGREEMENT. (a) Not later
22 than the 45th day after the date a written meet and confer agreement
23 is ratified by the governing body of the municipality and the
24 recognized employee association, a petition calling for the repeal
25 of the agreement signed by at least 10 percent of the qualified
26 voters residing in the municipality may be presented to the person
27 charged with ordering an election under Section 3.004, Election

1 Code.

2 (b) If a petition is presented under Subsection (a), the
3 governing body of the municipality shall:

4 (1) repeal the meet and confer agreement; or

5 (2) certify that it is not repealing the agreement and
6 call an election to determine whether to repeal the agreement.

7 (c) An election called under Subsection (b)(2) may be held
8 as part of the next regularly scheduled general election for the
9 municipality or at a special election called by the governing body
10 for that purpose. The ballot shall be printed to permit voting for
11 or against the proposition: "Repeal the meet and confer agreement
12 ratified on _____ (date agreement was ratified) by the _____
13 (name of the governing body of the municipality) and the _____ (name
14 of the recognized employee association) concerning wages,
15 salaries, rates of pay, hours of work, and other terms of
16 employment."

17 (d) If a majority of the votes cast at the election favor the
18 repeal of the agreement, the agreement is void.

19 Sec. 147.007. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.
20 A written meet and confer agreement ratified under this chapter
21 preempts, during the term of the agreement and to the extent of any
22 conflict, all contrary state statutes or rules adopted by this
23 state regarding wages, hours of work, and other conditions of
24 employment, other than a statute or rule regarding pensions or
25 pension-related matters.

26 SECTION 2. This Act takes effect September 1, 2007.