

BILL ANALYSIS

C.S.H.B. 3011
By: Gonzales
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Although Hidalgo County would like to enter into a consultation agreement with an employee association to meet and confer over employment issues, current law does not give a county the authority to enter into such an agreement for public employees.

C.S.H.B. 3011 grants a public employee association in a county located on an international border, with a population of more than 560,000, that contains more than 10 municipalities, and that has adopted a resolution or policy providing for a consultation system, the right to meet and confer with a public employer on issues such as wages, hours, and other terms and conditions of employment. The bill establishes that employees that participate in a recognized employee association are prohibited from striking or participating in work stoppages.

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. 3011 amends the Local Government Code to establish local control of employment matters in a county that is located on an international border, has a population of more than 560,000, contains more than 10 incorporated municipalities, and has adopted a resolution or policy providing for a consultation system in which the county will meet or consult with an employee association representing employees if the association demonstrates that the association is supported by at least 30 percent of the employees eligible to participate. The bill prohibits a county from being denied local control over wages, salaries, rates of pay, hours of work, other terms and conditions of employment, or other state-mandated personnel issues and authorizes a public employer to enter into a mutual agreement governing these issues with an employee association recognized as the sole and exclusive bargaining agent for all covered employees that does not advocate the illegal right to strike by county employees. The bill provides that applicable statutes, local orders or ordinances, and civil service rules govern a term or condition of employment on which the public employer and the association do not agree. The bill requires an agreement between a county and an employee association to be written. The bill does not require the county and the recognized employee association to meet and confer or reach an agreement on any issue, and does not authorize an agreement regarding pension or pension-related matters governed by state law. The bill does not apply its provisions to police officers covered by the Fire and Police Employee Relations Act or an employee association in which such police officers participate.

C.S.H.B. 3011 sets forth provisions relating to a petition for recognition by the commissioners court of a county, a certification election, an election to authorize operation, change or modification of recognition, the prohibition of strikes, recognition of an employee association, selection of a bargaining agent and bargaining unit, protected rights of employees, open records, open deliberations, ratification and enforceability of an agreement, action or election to repeal

authorization to operate, election to repeal agreement, an agreement's effect on existing benefits, and preemption of other law. The bill defines "covered employee," "employee association," and "public employer" for the purposes of the bill.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3011 differs from the original by making its provisions applicable to a county that is located on an international border, has a population of more than 560,000, and contains more than 10 incorporated municipalities, whereas the original makes its provisions applicable to a county with a population of less than one million.