

## **BILL ANALYSIS**

C.S.H.B. 4295  
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Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Dallas civilian employees currently do not have the ability to meet and confer.

C.S.H.B. 4295 grants a public employee association in a municipality with a population of one million or more that has not adopted provisions relating to municipal civil services for firefighters and police officers or The Fire and Police Employees Relations Act 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 such an organization.

### **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. 4295 amends the Local Government Code to make its provisions applicable only to a municipality with a population of more than one million that has not adopted provisions relating to municipal civil services for firefighters and police officers or The Fire and Police Employee Relations Act. The bill makes its provisions inapplicable to firefighters or police officers who are covered by other provisions of law relating to the local control of police officer employment matters in certain municipalities, firefighter and police officer employment matters in certain municipalities that operate under a city manager form of government, local control of firefighter and police officer employment matters in municipalities with populations of 1.5 million or more, local control of firefighter and police officer employment matters in certain municipalities with populations of one million or more, or The Fire and Police Employee Relations Act. The bill also makes its provisions inapplicable to an employee association in which employees described above participate and employees of a municipally owned utility or other board or political subdivision whose wages, salaries, rates of pay, hours, working conditions, or other terms and conditions of employment are established and governed by an appointed board independent from the municipal governing body.

C.S.H.B. 4295 establishes that a municipality may not be 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 municipal employees. The bill establishes that the applicable statutes, local 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 under the bill's provisions to be in writing. The bill specifies that its provisions do not require the public employer and the recognized employee association to meet and confer or reach an agreement on any issue and do not authorize an agreement regarding pension or pension-related matters governed by statute.

The bill defines "covered employee," "employee association," "managerial employee," and "public employer."

C.S.H.B. 4295 sets out provisions on the following matters:

- petition for recognition of an employee association and election or action by the governing body of a municipality
- certification election to determine whether an employee association represents a majority of the covered employees
- election to authorize a public employer to meet and confer with an employee association
- petition to change or modify recognition of an employee association
- prohibition on a strike or organized work stoppage against the state or municipality
- recognition of an employee association as the sole and exclusive bargaining agent for covered employees
- selection of bargaining agents, including requiring the public employer's chief executive officer or the chief executive officer's designee to select one more person to represent the public employer as its sole and exclusive bargaining agent to meet and confer on issues related to the wages, hours of employment, and other terms and conditions or employment of covered employees
- protected rights of employees
- open records
- open deliberations
- ratification and enforceability of an agreement
- action or election to repeal authorization of an employee association to operate
- election to repeal an agreement between a municipality and an employee association
- meet and confer agreement superseding conflicting provisions of state law, local ordinances, executive orders, civil service provisions, or state or local rules

#### **EFFECTIVE DATE**

September 1, 2009.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 4295 adds a provision not in the original making the substitute's provisions also inapplicable to firefighters or police officers covered by other provisions of law relating to local control firefighter and police officer employment matters in certain municipalities with a population of one million or more.