

BILL ANALYSIS

S.B. 764
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Firefighters and police officers of the City of Austin are currently covered by "meet and confer" and collective bargaining laws, but there are no provisions covering the employment matters of Austin's other municipal employees.

S.B. 764 grants municipal employees of the City of Austin the right to meet and confer with city management over issues such as wages, hours, working conditions, and other terms and conditions of employment, and prohibits strikes and work stoppages by municipal employees.

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

S.B. 764 amends the Local Government Code to make its provisions applicable to a municipality with a population of 650,000 or more that operates under a city manager form of government, in which all members of the municipality's governing body are elected at large and that recognized associations under the law governing municipal civil service for fire fighters and police officers as the exclusive bargaining agents for both fire fighters and police officers before September 1, 2005. The bill makes its provisions inapplicable to: firefighters or police officers who are covered by the municipal civil service law for fire fighters and police officers; emergency medical services personnel, or an employee association in which firefighters, police officers, or emergency medical services personnel participate. The bill defines "emergency medical services personnel" and "employee association." The bill establishes that a municipality that is subject to the provisions of this bill and that subsequently changes its governing body or form of government continues to be subject to the bill's provisions.

S.B. 764 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 wages, salaries, rates of pay, hours of work, other terms and conditions of employment, or other state-mandated personnel 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 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" as an employee of a municipality, other than an appointed employee; a city manager, an assistant city manager, or a professional executive assistant to a city manager or assistant city manager; an employee who holds an executive-level position; a cadet or trainee enrolled in a training program for police officers, firefighters, or emergency medical services personnel; an employee designated as a bargaining agent for the municipality; and an employee designated as exempt from the bargaining unit by

the mutual agreement of the recognized employee association and the public employer. The bill defines "appointed employee" and "public employer."

S.B. 764 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 authorizing a public employer to meet and confer with an employee association
- petition to change or modify recognition of an employee association
- prohibition on striking or organized work stoppage against the state or municipality
- recognition of employee association as the sole and exclusive bargaining agent for covered employees
- selection of bargaining agent including prohibiting an employee association from designating as one of its bargaining agents any person employed as an attorney for a public employer
- protected rights of employees
- open records
- open deliberations
- ratification and enforceability of 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 agreements superseding conflicting provisions

S.B. 764 authorizes the governing body of the municipality to submit to interest arbitration any issues that were the subject of negotiation between the municipality and the employee association and it establishes that an award or decision by an arbitrator is not binding on the municipality until it is adopted by the municipality's governing body.

EFFECTIVE DATE

September 1, 2009.