

## **BILL ANALYSIS**

C.S.H.B. 471  
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Economic & Small Business Development  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Although certain statutory provisions set out workers' rights with respect to forming and joining unions or refraining from doing so and other provisions regulate labor union activities and provide for secret ballot votes for the election of labor officers and agents to protect the individual worker, it has been asserted that the law does not clearly afford an individual worker the same protection regarding a vote on whether or not to unionize. C.S.H.B. 471 seeks to clarify matters in this regard by requiring exclusive bargaining representatives, who represent the option of bargaining collectively as a union, to be elected by secret ballot.

### **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. 471 amends the Labor Code to require an exclusive bargaining representative to be elected by secret ballot and by majority vote of the employees present and participating.

C.S.H.B. 471 defines "exclusive bargaining representative" as a labor union selected as the representative of the employees in an appropriate collective bargaining unit to represent the employees in their employment relations with employers.

C.S.H.B. 471 exempts a collective bargaining agreement under The Fire and Police Employee Relations Act that was entered into before the bill's effective date from the application of the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2011.

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

C.S.H.B. 471 omits a provision included in the original providing an exception to the requirement for the election of an exclusive bargaining representative by secret ballot and by majority vote of the employees present and participating by authorizing an appropriate collective bargaining unit to take a vote of the entire unit for such exclusive bargaining representative by mailed ballots.

C.S.H.B. 471 contains a provision not included in the original exempting a collective bargaining agreement under The Fire and Police Employee Relations Act that was entered into before the substitute's effective date from the application of the substitute's provisions.