

## **BILL ANALYSIS**

H.B. 2264  
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Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties are concerned that while firefighters and police officers of certain municipalities are covered by meet and confer or collective bargaining legislation, other employees of the same municipality are typically not covered in the same manner. H.B. 2264 seeks to grant public employee associations in certain municipalities with a population of 750,000 or more that are primarily located in a county with a population of 1.5 million or less the right to meet and confer with a public employer over certain employment matters.

### **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**

H.B. 2264 amends the Local Government Code to prohibit a municipality with a population of 750,000 or more that is primarily located in a county with a population of 1.5 million or less 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. The bill's provisions only apply to such a municipality and do not apply to firefighters or police officers who are covered by statutory provisions governing firefighter and police officer employment matters in certain municipalities that have not adopted The Fire and Police Employee Relations Act, emergency medical services personnel, or an employee association in which the firefighters, police officers, or emergency medical services personnel participate.

H.B. 2264 authorizes a public employer, defined by the bill as any municipality or agency, board, commission, or political subdivision controlled by a municipality that is required to establish the wages, salaries, rates of pay, hours, working conditions, and other terms and conditions of employment of public employees, to enter into a mutual written agreement governing those issues with an employee association recognized under the bill's provisions 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 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 such a 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 specifies 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's 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.

H.B. 2264 sets out provisions relating to the requirement of the governing body of the municipality, on receiving from an employee association a petition signed by the majority of all covered employees that requests recognition of the association as the sole and exclusive bargaining agent for all the covered employees, to either grant recognition, defer granting recognition and order an election by the voters in the municipality regarding whether a public employer may meet and confer, or order a certification election to determine whether the association represents a majority of the covered employees. The bill requires a governing body, if it orders a certification election and the employee association named in the petition is certified to represent a majority of the covered employees, not later than the 30th day after the date results of that election are certified, to grant recognition or defer granting recognition and order an election by the voters in the municipality regarding whether a public employer may meet and confer.

H.B. 2264 sets out provisions relating to and procedures for a certification election to determine whether an employee association represents a majority of the covered employees and relating to procedures for an election to determine whether a public employer may meet and confer. The bill authorizes the municipal employees to modify or change the recognition of the employee association by filing with the governing body of the municipality a petition signed by a majority of all covered employees. The bill authorizes the governing body to recognize the change or modification as provided by the petition or to order a certification election regarding whether to do so.

H.B. 2264 prohibits a municipal employee from engaging in a strike or organized work stoppage against the state or the municipality. The bill specifies that a municipal employee who participates in a strike forfeits any civil service rights, reemployment rights, and other rights, benefits, or privileges the employee may have as a result of the employee's employment or prior employment with the municipality. The bill specifies that these provisions do not affect the right of a person to cease work if the person is not acting in concert with others in an organized work stoppage.

H.B. 2264 requires a public employer in a municipality that chooses to meet and confer to recognize an employee association that is recognized as the sole and exclusive bargaining agent for the covered employees until recognition of the association is modified or changed by a majority of the municipal employees eligible to sign a petition for recognition.

H.B. 2264 sets out provisions relating to the selection of a bargaining agent and specifies that the municipality's bargaining unit is composed of all the covered employees. The bill prohibits a meet and confer agreement from interfering with the right of a member of a bargaining unit to pursue certain allegations of discrimination or affirmative action litigation. The bill sets out provisions relating to the applicability of the state's public information law to a proposed meet and confer agreement and a document prepared and used by the municipality in connection with the proposed agreement and also sets out provisions relating to open deliberations regarding an agreement or proposed agreement between representatives of the public employer and of the recognized employee association.

H.B. 2264 sets out provisions governing the ratification and enforceability of an agreement and provisions authorizing the governing body of the municipality to withdraw recognition of an employee association or to order an election to determine whether a public employer may continue to meet and confer under the bill's provisions. The bill specifies that, not later than the 45th day after the date a meet and confer agreement is ratified, a petition calling for the repeal of the agreement signed by at least 10 percent of the qualified voters residing in the municipality may be presented to the person charged with ordering an election under Election Code provisions. The bill sets out provisions relating to and procedures for such an election.

H.B. 2264 specifies that a written meet and confer agreement ratified under the bill's provisions preempts, during the term of the agreement and to the extent of any conflict, all contrary state

statutes, local ordinances, executive orders, civil service provisions, or rules adopted by the state or a political subdivision or agent of the state, including a personnel board, civil service commission, or home-rule municipality, other than a statute, ordinance, executive order, civil service provision, or rule regarding pensions or pension-related matters.

H.B. 2264 authorizes the governing body of a municipality to submit to interest arbitration any issues that were the subject of negotiation between the municipality and the employee association and specifies 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, 2013.