

## **BILL ANALYSIS**

Senate Research Center

S.B. 736  
By: Whitmire  
Local Government  
5/26/2023  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Houston Firefighters Union 341 work in the City of Houston under a collective bargaining agreement. For the past five years, the firefighters have worked without a contract, because the firefighters and the City of Houston have been unable to resolve contractual differences.

This legislation allows for an impasse between firefighters and the city to be resolved for at least a one-year period by a panel of three arbitrators. The firefighters would be able to appoint one and the City of Houston appoints one. The third is a neutral party chosen in agreement between the firefighters and the city.

This legislation would allow the City of Houston to have mandatory arbitration in order to mediate any issues that might come up. After arbitration has ended and firefighters have a contract, the City of Houston and the Houston Firefighters have a one-year window under a temporary deal and must begin negotiations a year later in hopes of finalizing a permanent deal.

- The bill allows City of Houston firefighters to reach a decision with their public employer regarding compensation, hours, and other conditions of employment (Section 174.023, Local Government Code).
- The arbitration process to help resolve an impasse is permissive, not mandatory.
- This simple language would resolve all current and future contract resolution issues between Houston firefighters and the City of Houston.

The substitute differs from the original in that it allows for the legislation to take immediate effect if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If it does not receive the vote necessary for immediate effect, then it will take effect September 1, 2023.

S.B. 736 amends current law relating to mandatory arbitration for certain municipal fire departments and employee bargaining agents.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 174.153(a), Local Government Code, to create an exception under Section 174.1535.

SECTION 2. Amends Subchapter E, Chapter 174, Local Government Code, by adding Section 174.1535, as follows:

Sec. 174.1535. MANDATORY ARBITRATION. (a) Provides this section applies only to:

- (1) a fire department that serves a municipality with a population of 1.9 million or more; and

(2) an association that is a bargaining agent for the employees of a fire department described by Subdivision (1).

(b) Requires a public employer and an association that is a bargaining agent to submit to binding interest arbitration if the parties:

(1) reach an impasse in collective bargaining; or

(2) are unable to settle after the 61st day after the date the appropriate lawmaking body fails to approve a contract reached through collective bargaining.

(c) Requires each party to send to the other party a written notice specifying each issue in dispute for purposes of binding arbitration not later than the fifth day after:

(1) the date an impasse was reached under Section 174.152 (Impasse);

(2) the expiration of an extension period under Section 174.152; or

(3) the expiration of the period described by Subsection (b)(2).

(d) Provides that a notice under Subsection (c) is considered sent on the date the notice is placed in the mail, personally delivered, or transmitted by e-mail or any other means of electronic transfer.

SECTION 3. Effective date: upon passage or September 1, 2023.