

SUBJECT: Creating the Fire Fighters Relations Act

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 5 ayes — Bailey, Burnam, Ehrhardt, Garcia, Hodge

3 nays — Hill, Shields, Wohlgemuth

1 present, not voting — Clark

SENATE VOTE: On final passage, April 15 — voice vote (Bivins, Brown, Carona, Fraser, Haywood, Nelson, Nixon, Ogden, Ratliff, Shapiro, Wentworth recorded nay)

WITNESSES: For — Louis E. Hebert, Texas State Association of Fire Fighters

Against — Lynn Bizzell, Texas Fire Chiefs' Association; Joe Paniagua, Fort Worth City Council

BACKGROUND : The Fire and Police Employee Relations Act provides for collective bargaining by fire fighters and police officers. A municipality may adopt the act only by public vote.

DIGEST: SB 336 would create the Fire Fighters Relations Act within the Local Government Code. The bill would allow fire fighters to organize into employee associations and bargain over certain issues, but would prohibit strikes or organized work stoppages. The act would not apply in political subdivisions that had adopted the Fire and Police Employee Relations Act.

The bill would take effect September 1, 1997.

Organizing rights. The bill would declare as state policy the right of fire fighters, like employees in the private sector, to organize for the purpose of dealing with and conferring collectively with their public employer on wages, hours, working conditions, and all other terms and conditions of employment. Public employers would have to recognize a fire fighters association so long as the association did not claim or advocate the illegal right to strike.

The public employer would have to recognize an association as the sole and exclusive bargaining agent for the fire fighters if a majority selected the association in a signed petition. The association would not bargain for the fire department head or assistant department heads. Questions over the association's status would be resolved by a fair election paid for by the fire fighters association. If two or more associations submitted petitions signed by a majority of the covered fire fighters, the associations would share equally in the election costs. A majority of the fire fighters could withdraw recognition of an association.

SB 336 would specify that "to ensure local and harmonious relations in pursuit of agreements," fire fighters could not strike nor organized work stoppages against the state or a municipality. A fire fighter who participated in a strike would forfeit all civil service rights, reemployment rights, and any other rights, benefits or privileges enjoyed as a result of employment.

Collective agreement. A public employer could not be denied local control over the wages, salaries, pay rates, work hours, other terms and conditions of employment, or diversity programs or other personnel issues for which the state mandates adoption of a policy. To ensure resolution of these matters at the local level, the public employer and the recognized fire fighters association could meet, confer and bargain collectively in good faith for the purpose of reaching a mutual written agreement. Such obligation, however, would not compel either party to agree to a proposal or require concessions.

A written agreement would be enforceable and binding on the public employer, the fire fighters association and the covered employees if ratified by majority votes of both the municipality's governing body and the fire fighters association. Upon application by either party, the appropriate state district court could enforce an agreement by issuing proper restraining orders, temporary and permanent injunctions, and any other appropriate writ, order or process, including contempt orders.

All deliberations relating to an agreement between a fire fighters association and a public employer would have to be open to the public.

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SUPPORTERS SAY: SB 336 would provide a middle ground for fire fighters and municipalities that want to meet and confer. Currently, cities must adopt the Fire and Police Employee Relations Act in order to bargain collectively with fire fighters; once the act is adopted, collective bargaining is mandatory. There is no other legal mechanism for a city to recognize a labor organization as the bargaining agent for a group of public employees. The Fire Fighters Relations Act would provide a more conservative option by allowing cities and fire fighters to choose to confer, meet and bargain without making such meetings mandatory.

The bill would not require cities and associations to meet, confer on, or agree to anything and would not deny a municipality local control over wages, salaries, pay rates, or other conditions of employment. However, collective bargaining is a legitimate form of negotiation, and associations could represent important employee and public priority viewpoints that may be overlooked even by the most conscientious city management.

Negotiated agreements could help both city managers and employees by establishing principles or guidelines that would not have to be revisited annually or with changing administrations. In this way, the bill could help stabilize the budget process and other city deliberations.

OPPONENTS SAY: Collective bargaining is inappropriate for city government. City council members are elected by the public to run city operations and to establish public policy. Firefighter associations would not be accountable to the public and would owe allegiance only to the professionals they represented. City council members or other city officials should be the sole arbiters on employee wages, benefits and other conditions of employment.

The bill would open the door to aggressive campaigns by fire fighters to elect city council members in order to increase the power of unions in city government. This would diminish the strength of city governance and undermine the authority of citizens to elect and run their own municipal government.

SB 336 would set a bad precedent and could encourage fire fighters to come back to the Legislature in the future to ask for the right to strike.

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**OTHER
OPPONENTS
SAY:**

SB 336 would be an unnecessary addition to the law. There are already sufficient mechanisms in current law to allow for collective bargaining on the part of fire fighters. In addition, the bill would allow fire fighters to sidestep the public vote required for adoption of the Fire and Police Employee Relations Act.

NOTES:

The 74th Legislature enacted SB 863 by Barrientos, which contained similar provisions relating to the right of Austin police and fire fighter associations to meet and confer.