

- SUBJECT:** Granting meet-and-confer authority to Houston Metro peace officers
- COMMITTEE:** Urban Affairs — committee substitute recommended
- VOTE:** 8 ayes — Carter, Bailey, Burnam, Callegari, Ehrhardt, Hill, E. Jones, Najera
0 nays
1 absent — Edwards
- WITNESSES:** For — Bruce Greenberg, Combined Metro Police Officers Association; Chris W. Jones and Charley Wilkison, Combined Law Enforcement Associations of Texas; *Registered but did not testify:* Ronald G. DeLord, Combined Law Enforcement Associations of Texas; Robert L. Harrington, Antonio O. Rosas, and Harvard Schroeder, Combined Metro Police Officers Association

Against — None
- BACKGROUND:** Transportation Code, ch. 451 regulates the transportation authorities of Austin, Corpus Christi, Houston, and San Antonio.

Local Government Code, ch. 143 grants the City of Houston authority to “meet and confer” with the city’s fire fighters and police officers to negotiate agreements on wages, benefits, and other city policies affecting these employees.
- DIGEST:** CSHB 1951 would authorize the Houston Metropolitan Transit Authority to meet and confer with the authority’s peace officers to negotiate agreements on wages, benefits, and other department policies. The bill would not require the authority or its employees to meet and confer on any issue or to reach an agreement.

A peace officer’s employee association would be recognized as the sole and exclusive bargaining agent for all peace officers employed by the authority, excluding the head of the peace officer department of the authority and assistant heads, in their negotiations with the authority upon submission to

the authority of a written petition signed by a majority of the peace officers employed by the authority. In case of a question as to which association represented a majority of the peace officers, an election would have to be held according to procedures agreeable to the associations. If the associations could not agree on election procedures, either party could ask the American Arbitration Association to conduct the election and certify the results. The association or associations that submitted a petition for recognition as the bargaining agent would be liable for the costs of the election. The authority's chief executive officer would have to select a group of people to represent the authority as its sole and exclusive bargaining agent.

An agreement reached by the employee bargaining agent and the authority would be binding if ratified by a majority vote of the authority's governing board and a majority vote by secret ballot of the peace officers in the association recognized as the employee bargaining agent.

Residents of the authority's service area could call an election to repeal any agreement ratified by the authority and the association by presenting a written petition to the county clerk within 60 days of the ratification of the agreement with the signatures of 10 percent of the number of people who voted in the county's last general election in which a majority of the authority's main city was located. Upon presentation of such a petition, the authority either would have to repeal the agreement or call an election to determine whether to repeal the agreement.

Documents prepared and used by the authority in connection with a proposed agreement would be subject to open records requirements only after the agreement was ratified by the authority's governing body.

CSHB 1951 would include standard meet-and confer language regarding local control of wage and benefit issues, written agreements, and labor strike prohibitions.

This bill would take effect September 1, 2001.

SUPPORTERS
SAY:

CSHB 1951 would allow the Houston transportation authority and its peace officer employees to resolve their issues locally by granting these parties the right to meet and confer to negotiate agreements. The meet-and-confer process, already granted to Houston police and fire fighters, creates a forum for discussion of employer-employee differences and improves employer-employee relations by enabling these parties to negotiate agreements that are acceptable to both groups. By enabling the authority to work out its employee issues locally, the bill also would reduce the need for the city to bring these local issues to the Legislature.

CSHB 1951's provisions are nearly identical to the meet-and-confer process granted to Houston fire fighters and very similar to the process for Houston police. The bill would designate a single association as the sole and exclusive bargaining agent for employees, since there is only one association for peace officer employees in Houston. However, nothing in the bill would prohibit the association from including members of other organizations, should they be formed, on the bargaining team, as Austin's employee bargaining agent now does under the same provision. Because 90 percent of the transportation authority's peace officer employees belong to this association, agreements approved by the association's members represent the will of the authority's employees. Improvements in wages and benefits negotiated on behalf of the association's members also would benefit nonmembers.

OPPONENTS
SAY:

CSHB 1951 unfairly would prevent peace officer employees who were not members of the association designated as the bargaining agent from voting on whether to accept negotiated agreements. All employees ought to be able to vote on agreements that would affect their wages and other benefits.

The bill also could prevent participation in the negotiation process by peace officer employee groups other than the recognized bargaining agent by designating a single employee association as the sole and exclusive bargaining agent for the employees. Although there is only one employee group now, future circumstances may lead to the creation of additional general or minority-oriented associations. By failing to include a provision for these associations to provide input into the negotiations, the bill would exclude any future employee groups.

NOTES:

The committee substitute added a provision setting procedures for the repeal of an agreement reached and ratified by the transportation authority and the employee association. It also added a provision stating that an agreement reached under the provision of the bill would supersede any conflicting local or state regulations.

The companion bill, SB 379 by Gallegos, passed the Senate on the Local and Uncontested Calendar on April 26 and was reported favorably, without amendment, by the House Urban Affairs Committee on May 1, making it eligible to be considered in lieu of HB 1951.

The 76th Legislature in 1999 enacted a similar bill, SB 621 by Gallegos, but Gov. George W. Bush vetoed it, stating that it deprived local citizens of the right to disapprove agreements made with transit authority peace officers.