

- SUBJECT:** Meet and confer for certain San Antonio city employees
- COMMITTEE:** Urban Affairs — committee substitute recommended
- VOTE:** 6 ayes — Bailey, Murphy, Menendez, Cohen, Latham, Mallory Caraway
0 nays
1 absent — Martinez Fischer
- WITNESSES:** For — Arnulfo De La Cruz, Service Employees International Union.
(*Registered, but did not testify:* Mandy Balch and Norm Yen, SEIU;
Charley Wilkinson, Combined Law Enforcement Association of Texas;
Rick Levy, Texas AFL-CIO; Hector M Garan Delgado)
Against — None
On — Edward Belmares, City of San Antonio
- BACKGROUND:** Under Government Code, sec. 617.002, a city official may not enter into a collective bargaining contract with a labor organization regarding the wages, hours, or conditions of employment of public employees. Any contract so reached is void. A city official also may not recognize a labor organization as the bargaining agent for a group of public employees. Existing statutory provisions exempt police officers and fire fighters from these prohibitions.

Local Government Code, chs. 142 and 143 allow certain municipalities to recognize police officer or firefighter committees. These cities can elect to “meet and confer” with the committees to reach agreements on compensation and other conditions. Provisions governing meet and confer procedures establishing the scope of applicability of such agreements vary by municipality.
- DIGEST:** CSHB 2099 would create Local Government Code, ch. 147 specifying conditions for meet and confer agreements between city employees and a municipality with a population greater than 1 million and that was covered by a collective bargaining agreement. The bill would not apply to firefighters or police officers who already were covered by meet

and confer and collective bargaining agreements and employee associations that represent employees who take part in such agreements, and would not apply to police officers in an airport or parks and recreation department, or employees managed by a municipally owned utility. The bill would apply to city of San Antonio employees that met these conditions.

CSHB 2099 would permit a municipality to design a meet and confer process and enter into a written agreement with an employee association recognized as the sole and exclusive bargaining agent. The municipality could establish procedures for the implementation of a meet and confer agreement, including providing for an election by qualified voters in the public. A meet and confer agreement could be repealed by the electorate within 45 days of being ratified. A petition signed by at least 10 percent of the qualified voters of the municipality would prompt the governing body to reconsider and either repeal the agreement or call an election to determine whether an agreement should be repealed. A ratified meet and confer agreement would supersede all contrary state statutes, local ordinances, and other provisions but would not affect rules regarding pensions.

The bill would give jurisdiction to the state district court to hear and resolve a dispute over a ratified agreement. The court could order restraining orders or other injunctions to enforce the agreement. Municipal personnel governed by a meet and confer agreement would not be permitted to engage in a strike or organized work stoppage against any political subdivision.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 2099 would allow the city of San Antonio and its employees, excluding police, fire fighters, and certain others, 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 San Antonio police and fire fighters, enables these parties to negotiate agreements that are acceptable to both groups.

Cities that engage in meet and confer negotiations avoid the mandates and other formalities required under collective bargaining, yet gain the chance to finalize a comprehensive employment contract with a large number of city employees. The process would compel neither the

municipality nor the employee's bargaining association to reach any agreement, nor would it require city personnel to appoint an exclusive bargaining agent. The bill appropriately would give the city of San Antonio another option for efficient communication with its employees in reaching agreements on employment matters, should it so choose.

CSHB 2099 would establish a meet and confer process for San Antonio employees with sufficient flexibility to be crafted in accord with local needs and concerns. The bill also would include ample protections for San Antonio's public and governing bodies. The city of San Antonio historically has had much success in similar negotiations with its police and fire employees. The bill would enable an agreement providing that an association could be removed as the bargaining agent if the city employees were unhappy with the association's negotiations. Improvements in wages and benefits negotiated on behalf of the association's members also would benefit nonmembers.

OPPONENTS
SAY:

CSHB 2099 could prevent participation in the negotiation process by city employee groups other than the recognized bargaining agent by designating a single employee association as the sole and exclusive bargaining agent for the employees. Future circumstances could lead to the creation of additional associations. By failing to include a provision for these associations to provide input into the negotiations, the bill could exclude any future employee groups.

OTHER
OPPONENTS
SAY:

CSHB 2099 would provide too much license for the city of San Antonio to establish a meet and confer process for its employees. The bill would establish no specific procedures for the selection of an exclusive bargaining agent, the adoption and ratification of a meet and confer agreement, nor changes or modifications to an agreement. No provisions would be included to protect the rights of employees to pursue allegations based on discrimination nor to guarantee the availability of open records and open deliberations held as part of adopting the agreement. The bill would be at variance with other legislation authorizing meet and confer agreements in neglecting to place tighter constraints on the procedural and substantive content of such agreements.

NOTES:

A related bill establishing a meet and confer agreement for certain municipal employees in the city of Austin, HB 2184 by Dukes and Bailey, has been placed on the House General State Calendar for May 7.