

## BILL ANALYSIS

Senate Research Center  
80R15658 KSD-F

H.B. 2099  
By: Bailey et al. (Uresti)  
Intergovernmental Relations  
5/17/2007  
Engrossed

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

Currently, there is no "meet and confer" process for municipal employees of the City of San Antonio. Furthermore, Section 617.002 (Collective Bargaining by Public Employees Prohibited), Government Code, prohibits a municipality and an employee association from entering into a written contract regarding terms and conditions of employment. Firefighters and police officers of San Antonio are currently covered by meet and confer legislation, but there are no provisions covering the employment matters of San Antonio's other municipal employees.

H.B. 2099 allows for the creation of a "meet and confer" process for municipal employees of the City of San Antonio with sufficient flexibility to be crafted in accord with local needs and concerns. This bill also includes ample protection for San Antonio's governing bodies and excludes certain persons from being applicable to the provisions of this bill. Under this bill, neither the municipality nor the employee's association would be compelled to reach any agreement. Rather, the City of San Antonio would maintain local control over issues such as wages, hours, and working conditions. This bill also includes a prohibition against strikes.

### 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 Subtitle A, Title 5, Local Government Code, by adding Chapter 147, as follows:

#### CHAPTER 147. LOCAL CONTROL OF MUNICIPAL EMPLOYMENT MATTERS IN CERTAIN MUNICIPALITIES

Sec. 147.001. **APPLICABILITY.** (a) Provides that this chapter applies only to a municipality with a population of more than one million that has adopted Chapter 174 (Fire and Police Employee Relations) and is not covered by Chapter 146 (Local Control of Municipal Employment Matters in Certain Municipalities).

(b) Sets forth the persons for which this chapter does not apply.

(c) Provides that this chapter does not affect any provision or procedure governing employer-employee relations at an entity described by Subsection (b)(2) or (3).

Sec. 147.002. **MEET AND CONFER PROCESS; AGREEMENTS.** Authorizes a municipality to design a meet and confer process and enter into a written agreement with an employee association recognized in accordance with the process as the sole and exclusive bargaining unit, under terms and conditions established by the municipality in accordance with this chapter.

Sec. 147.003. **GENERAL PROVISIONS.** (a) Prohibits a municipality that designs a meet and confer process under this chapter 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 covered by a meet and confer agreement. Authorizes a

municipality to enter into a written agreement governing these issues with an employee association recognized under the municipality's meet and confer process as the sole and exclusive bargaining agent for an employee bargaining unit that does not advocate the illegal right to strike by municipal employees.

(b) Authorizes the municipality to establish procedures the municipality considers necessary and proper for the implementation of this chapter, including procedures for an election by the voters in the municipality regarding whether the municipality may meet and confer under this chapter.

Sec. 147.004. **STRIKES PROHIBITED.** (a) Prohibits a municipal employee, employee representative, or employee association from, either independently or jointly, declaring or engaging in a strike or organized work stoppage against this state or the municipality.

(b) Provides 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.

(c) Provides that this section does 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.

Sec. 147.005. **ENFORCEABILITY OF AGREEMENT.** Provides that a state district court of a judicial district in which the municipality is located has jurisdiction to hear and resolve a dispute under a ratified written meet and confer agreement on the application of a party to the agreement aggrieved by an action or omission of the other party when the action or omission is related to a right, duty, or obligation provided by the agreement. Authorizes the court to issue proper restraining orders, temporary or permanent injunctions, or any other writ, order, or process, including contempt orders, that are appropriate to enforcing the agreement.

Sec. 147.006. **ELECTION TO REPEAL AGREEMENT.** (a) Authorizes a petition calling for the repeal of the agreement signed by at least 10 percent of the qualified voters residing in the municipality to be presented to the person charged with ordering an election under Section 3.004 (Election of Political Subdivision), Election Code, not later than the 45th day after the date a written meet and confer agreement is ratified by the governing body of the municipality and the recognized employee association.

(b) Requires the governing body of a municipality, if a petition is presented under Subsection (a) to repeal the meet and confer agreement or certify that the body is not repealing the agreement and call an election to determine whether to repeal the agreement.

(c) Authorizes an election called under Subsection (b)(2) to be held as part of the next regularly scheduled general election for the municipality or at a special election called by the governing body for that purpose. Requires the ballot to be printed to permit voting for or against a certain proposition. Sets forth the specific language of the ballot.

(d) Provides that the agreement is void if a majority of the votes cast at the election favor the repeal of the agreement.

Sec. 147.007. **AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.** Provides that a written meet and confer agreement ratified under this chapter preempts, during the term of the agreement and to the extent of any conflict, all contrary state statutes or rules adopted by this state regarding wages, hours of work, and other conditions of employment, other than a statute or rule regarding pensions or pension-related matters.

SECTION 2. Effective date: September 1, 2007.