

BILL ANALYSIS

C.S.H.B. 2869
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under The Fire and Police Employee Relations Act, fire fighters and their public employers may find themselves mired in years of litigation and costs related to an impasse in negotiations when developing a contract. While mediation and arbitration are permitted by the act, those methods are not mandatory, and courts are usually the final deciders of a dispute. While using the legal system to decide disputes made sense many years ago, a judge now may be less likely to saddle a city with additional costs or may delay decisions. Additionally, Texas courts have a backlog of cases and are unable to act quickly on these types of cases. This results in a drawn-out process that can take years to settle minor issues. An alternative to court proceedings is binding interest arbitration, which forces parties to use an independent arbitrator to settle issues that have led to an impasse in a far cheaper and faster fashion. Since an arbitrator's decision is binding on both parties, the prospect of arbitration may even encourage parties into a more open negotiation that saves money and time. C.S.H.B. 2869 seeks to more efficiently address an impasse between applicable fire fighters and their public employers by requiring binding interest arbitration in certain situations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2869 amends the Local Government Code to make the existing arbitration provisions of The Fire and Police Employee Relations Act applicable only to arbitration between a public employer and an association that is a bargaining agent for the police officers of a political subdivision's police department. The bill sets out fire fighter binding interest arbitration provisions applicable to arbitration between a public employer and an association that is a bargaining agent for the fire fighters of a political subdivision's fire department. These fire fighter provisions differ from those restricted by the bill to police officers and their bargaining agents as follows:

- the fire fighter provisions require a public employer and an association that is a bargaining agent for fire fighters to submit to binding interest arbitration under the following conditions:
 - the parties reach an impasse in collective bargaining; or
 - the parties are unable to settle after the 61st day after the date the appropriate lawmaking body fails to approve a contract reached through collective bargaining;

- the fire fighter provisions require each party to send to the other a written notice of each issue in dispute not later than the fifth day after the requirement to submit to arbitration becomes effective; and
- the fire fighter provisions provide for the selection of a single arbitrator instead of a three-member arbitration board and specify a selection method of successive elimination of candidates from a certain list.

The fire fighter provisions are otherwise substantially similar to the police officer provisions, including with respect to the following:

- the arbitration hearing and related deadlines and scheduling procedures;
- the scope of arbitration;
- the use of evidence and the arbitrator's authority to administer oaths and issue subpoenas;
- the arbitration award, its effect, and the means of amending an award; and
- compensation of the arbitrator and expenses of arbitration.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2869 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute differs from the original by requiring binding interest arbitration only with respect to fire fighters, whereas the original also required that arbitration with respect to police officers.