

- SUBJECT:** Granting meet-and-confer authority to Houston city employees
- COMMITTEE:** Urban Affairs — committee substitute recommended
- VOTE:** 7 ayes — Carter, Bailey, Burnam, Callegari, Ehrhardt, Hill, Najera
0 nays
2 absent — Edwards, E. Jones
- WITNESSES:** For — Cary Grace, City of Houston; Walter Hinojosa, Texas AFL-CIO; Dee Simpson, American Federation of State, County, and Municipal Employees
Against — None
- BACKGROUND:** 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 2677 would authorize any municipality with a population of more than 1.5 million (currently only Houston) to meet and confer with its employees to negotiate agreements on wages, benefits, and other policies affecting employees. The bill would not apply to city fire fighters or police officers or their respective associations, who already are covered by meet-and-confer statutes.
- An employee association would be recognized as the sole and exclusive bargaining agent for all city employees, excluding any department head and assistant department heads, in their negotiations with the city upon submission to the city of a written petition signed by a majority of the nonclassified employees of the city. The association also would have to receive dues from its members through an automatic payroll deduction. An association could request an election to determine the bargaining agent upon submission of a petition signed by 30 percent of the covered employees. 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 the petition would be responsible for the costs of the election. The city would have to designate a team to represent it in negotiations with the employee bargaining agent.

An agreement reached by the employee bargaining agent and the city would be binding if ratified by a majority vote of the city's governing body and a majority vote by secret ballot of the city employees in the association recognized as the employee bargaining agent. An agreement could establish a procedure, including binding arbitration by which the parties agreed to resolve disputes related to interpretation of the agreement.

CSHB 2677 would include standard meet-and-confer language regarding local control of wage and benefit issues, written agreements, labor strike prohibitions, open records, and repeal of negotiated agreements by the city's voters.

The bill would take effect September 1, 2001.

SUPPORTERS
SAY:

CSHB 2677 would allow the City of Houston and its employees, excluding police and fire fighters, 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 city 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 2677'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 city employees, excluding police and fire fighters, 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. Although that association now includes only about 12 percent of the city's employees, it is highly likely that many more employees would join the

organization if it could negotiate agreements on wages and benefits. Furthermore, the association could not be recognized as the employee bargaining agent unless a majority of the city employees who voted in the election supported the association's bid to become the bargaining agent, and the 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 1951 unfairly would prevent employees who were not members of the association designated as the bargaining agent from voting on whether to accept negotiated agreements. With only about 12 percent of the city's employees in the single employee association, a vote by the association's members to ratify an agreement would not represent the will of even a majority of the city's workers, regardless of how many employees initially approved the association as the bargaining agent. 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 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. Although there is only one employee group now, future circumstances could 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 provisions that would establish a process for city voters to repeal ratified agreements, require the city to designate a team to represent the city as its sole and exclusive bargaining agent, and meet certain open-records requirements. The substitute also removed a provision in the original bill that would have allowed the city to recognize an employee association that had not submitted a petition signed by a majority of the city's workers as the sole and exclusive bargaining agent for city employees.