AGENDA DATE: March 25, 2009
SUBMITTED BY: Tom Leppert, Mayor
Submitted via Mayor Tom Leppert

SUBJECT
A resolution endorsing state legislation supporting the concept of "meet and confer" for city employees - Financing: No cost consideration to the City (via Mayor Leppert)

BACKGROUND
Although not a part of the city's official 2009 State Legislative Program, this resolution endorses state legislation supporting the concept of "meet and confer" for city employees. During the 2009 Texas Legislative Session support for the passage of "meet and confer" legislation will be expressed on behalf of City of Dallas.

PRIOR ACTION/ REVIEW (COUNCIL, BOARDS, COMMISSIONS)
On February 25, 2009, this item was deferred by Councilmember Jones Hill.

FISCAL INFORMATION
No cost consideration to the City.
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

Section 1. That although not a part of the city's official 2009 state legislative agenda, state legislation supporting the concept of "meet and confer" for city employees is hereby endorsed.

Section 2. That support for the passage of "meet and confer" legislation will be expressed during the 2009 Texas Legislative Session.

Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
Memorandum

DATE
November 19, 2008

TO
The Honorable Mayor Tom Leppert

SUBJECT
Resolution on "Meet and Confer" Legislation

The following council members are in support of the attached resolution endorsing the concept of "meet and confer" legislation. We respectfully request that this item be placed on the December 10, 2008 Council Agenda.

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C: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney

Attachment

"Dallas, The City That Works: Diverse, Vibrant and Progressive."
By: Anchia
H.B. No. 4295

A BILL TO BE ENTITLED

AN ACT

relating to the right of certain municipalities to maintain local
control over wages, hours, and other terms and conditions of
employment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 5, Local Government Code, is
amended by adding Chapter 149 to read as follows:

CHAPTER 149. LOCAL CONTROL OF MUNICIPAL EMPLOYMENT MATTERS IN
CERTAIN MUNICIPALITIES

Sec. 149.001. APPLICABILITY. (a) This chapter applies
only to a municipality with a population of more than one million
that has not adopted Chapter 143 or 174.

(b) This chapter does not apply to:

(1) firefighters or police officers who are covered by
Subchapter B of Chapter 142, Subchapter H, I, or J of Chapter 143,
or Chapter 174;

(2) an employee association in which employees
described by Subdivision (1) participate; or

(3) employees of a municipally owned utility or other
board or political subdivision whose wages, salaries, rates of pay,
hours, working conditions, or other terms and conditions of
employment are established and governed by an appointed board
independent from the municipal governing body.

Sec. 149.002. DEFINITIONS. In this chapter:
H.B. No. 4295

(1) "Covered employee" means an employee of a municipality, other than a department head or managerial employee, a firefighter or police officer who is covered by Subchapter B of Chapter 142, Subchapter H, I, or J of Chapter 143, or Chapter 174, or a peace officer covered by Chapter 142.

(2) "Employee association" means an organization in which municipal employees participate, that exists for the purpose, wholly or partly, of dealing with one or more employers, whether public or private, concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work affecting public employees, and whose members pay dues by means of an automatic payroll deduction.

(3) "Managerial employee" means an employee who:

(A) is engaged primarily in executive and management functions; and

(B) is charged with the responsibility of developing, administering, or effecting management policies.

(4) "Public employer" means any municipality or agency, board, commission, or political subdivision controlled by a municipality that is required to establish the wages, salaries, rates of pay, hours, working conditions, and other terms and conditions of employment of public employees. The term may include, under appropriate circumstances, a mayor, manager, administrator of a municipality, municipal governing body, director of personnel, personnel board, or one or more other officials regardless of the name by which they are designated.

Sec. 149.003. GENERAL PROVISIONS RELATING TO AGREEMENTS AND
RECOGNITION. (a) A municipality may not be denied local control
over wages, salaries, rates of pay, hours of work, other terms and
conditions of employment, or other state-mandated personnel
issues. A public employer may enter into a mutual agreement
governing these issues with an employee association recognized
under this chapter as the sole and exclusive bargaining agent for
all covered employees that does not advocate the illegal right to
strike by covered employees. The applicable statutes, local
ordinances, and civil service rules govern a term or condition of
employment on which the public employer and the association do not
agree.

(b) An agreement under this chapter must be written.

(c) This chapter does not require the public employer and
the recognized employee association to meet and confer or reach an
agreement on any issue.

(d) This chapter does not authorize an agreement regarding
pension or pension-related matters governed by statute.

Sec. 149.004. PETITION FOR RECOGNITION: ELECTION OR ACTION
BY GOVERNING BODY. (a) Not later than the 30th day after the date
the governing body of a municipality receives from an employee
association a petition signed by the majority of all covered
employees that requests recognition of the association as the sole
and exclusive bargaining agent for all the covered employees, the
governing body shall:

(1) grant recognition of the association as requested
in the petition and find that a public employer may meet and confer
under this chapter without conducting an election by the voters in
the municipality under Section 149.006;

(2) defer granting recognition of the association and
order an election by the voters in the municipality under Section
149.006 regarding whether a public employer may meet and confer
under this chapter; or

(3) order a certification election under Section
149.005 to determine whether the association represents a majority
of the covered employees.

(b) If the governing body of a municipality orders a
certification election under Subsection (a)(3) and the association
named in the petition is certified to represent a majority of the
covered employees, the governing body shall, not later than the
30th day after the date that results of that election are certified:

(1) grant recognition of the association as requested
in the petition for recognition and find that a public employer may
meet and confer under this chapter without conducting an election
by the voters in the municipality under Section 149.006; or

(2) defer granting recognition of the association and
order an election by the voters in the municipality under Section
149.006 regarding whether a public employer may meet and confer
under this chapter.

Sec. 149.005. CERTIFICATION ELECTION. (a) Except as
provided by subsection (b), a certification election ordered under
Section 149.004(a)(3) to determine whether an employee association
represents a majority of the covered employees shall be conducted
according to procedures agreeable to the parties.

(b) If the parties are unable to agree on procedures for the
certification election, either party may request the American
Arbitration Association to conduct the election and to certify the
results of the election.

(c) The results of an election shall be certified if the
employee association receives a majority of the valid votes cast in
the election.

(d) Certification of the results of an election under this
section resolves the question concerning representation.

(e) The association is liable for the expenses of the
certification election, except that if two or more associations
seeking recognition as the sole and exclusive bargaining agent
submit a petition signed by at least 30 percent of the employees
eligible to sign the petition for recognition, all the associations
named in any petition shall share equally the costs of the election.

Sec. 149.006. ELECTION TO AUTHORIZE OPERATING UNDER THIS
CHAPTER. (a) The governing body of a municipality that receives a
petition for recognition under Section 149.004 may order an
election to determine whether a public employer may meet and confer
under this chapter.

(b) An election ordered under this section must be held as
part of the next regularly scheduled general election for municipal
officials that is held after the date the governing body of the
municipality orders the election and that allows sufficient time to
prepare the ballot in compliance with other requirements of law.

(c) The ballot for an election ordered under this section
shall be printed to allow voting for or against the proposition:
"Authorizing __________ (name of the municipality) to operate under
the state law allowing a municipality to meet and confer and make
agreements with the association representing covered employees as
provided by state law, preserving the prohibition against strikes
and organized work stoppages, and providing penalties for strikes
and organized work stoppages."
(d) An election called under this section must be held and
the returns prepared and canvassed in conformity with the Election
Code.
(e) If an election authorized under this section is held,
the municipality may operate under the other provisions of this
chapter only if a majority of the votes cast at the election favor
the proposition.
(f) If an election authorized under this section is held, an
association may not submit a petition for recognition to the
governing body of the municipality under Section 149.004 before the
second anniversary of the date of the election.
Sec. 149.007. CHANGE OR MODIFICATION OF RECOGNITION. (a)
The covered employees may modify or change the recognition of the
employee association granted under this chapter by filing with the
governing body of the municipality a petition signed by a majority
of all covered employees.
(b) The governing body of the municipality may:
(1) recognize the change or modification as provided
by the petition; or
(2) order a certification election in accordance with
Section 149.005 regarding whether to do so.
Sec. 149.008. STRIKES PROHIBITED. (a) A covered employee
may not engage in a strike or organized work stoppage against this
state or the municipality.

(b) A covered 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) 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. 149.009. RECOGNITION OF EMPLOYEE ASSOCIATION. (a) A
public employer in a municipality that chooses to meet and confer
under this chapter shall recognize an association that is
recognized under Section 149.004 or 149.005 as the sole and
exclusive bargaining agent for the covered employees.

(b) The public employer shall recognize the employee
association until recognition of the association is withdrawn, in
accordance with Section 149.007, by a majority of the covered
employees eligible to sign a petition for recognition.

Sec. 149.010. SELECTION OF BARGAINING AGENT; BARGAINING
UNIT. (a) The public employer's chief executive officer or the
chief executive officer's designee shall select one or more persons
to represent the public employer as its sole and exclusive
bargaining agent to meet and confer on issues related to the wages,
hours of employment, and other terms and conditions of employment
of covered employees.

(b) An employee association may designate one or more
persons to negotiate or bargain on the association's behalf.
(c) A municipality's bargaining unit is composed of all the
covered employees.

Sec. 149.011. PROTECTED RIGHTS OF EMPLOYEES. A meet and
confer agreement ratified under this chapter may not interfere with
the right of a member of a bargaining unit to pursue allegations of
discrimination based on race, creed, color, national origin,
religion, age, sex, or disability with the Texas Workforce
Commission civil rights division or the federal Equal Employment
Opportunity Commission or to pursue affirmative action litigation.

Sec. 149.012. OPEN RECORDS. (a) A proposed meet and confer
agreement and a document prepared and used by the municipality,
including a public employer, in connection with the proposed
agreement are available to the public under Chapter 552, Government
Code, only after the agreement is ready to be ratified by the
governing body of the municipality.

(b) This section does not affect the application of
Subchapter C, Chapter 552, Government Code, to a document prepared
and used in connection with the agreement.

Sec. 149.013. OPEN DELIBERATIONS. (a) Deliberations
relating to a meet and confer agreement or proposed agreement under
this chapter between representatives of the public employer and
representatives of the employee association recognized under this
chapter as the sole and exclusive bargaining agent for the covered
employees must be open to the public and comply with state law.

(b) Subsection (a) may not be construed to prohibit the
representatives of the public employer or the representatives of
the recognized employee association from conducting private
caucuses that are not open to the public during meet and confer
negotiations.

Sec. 149.014. RATIFICATION AND ENFORCEABILITY OF
AGREEMENT. (a) An agreement under this chapter is enforceable and
binding on the public employer, the recognized employee
association, and the employees covered by the meet and confer
agreement only if:

(1) the governing body of the municipality ratified
the agreement by a majority vote; and

(2) the recognized employee association ratified the
agreement by conducting a secret ballot election at which the
majority of the covered employees who are members of the
association favored ratifying the agreement.

(b) A meet and confer agreement ratified as described by
Subsection (a) may establish a procedure by which the parties agree
to resolve disputes related to a right, duty, or obligation
provided by the agreement, including binding arbitration on a
question involving interpretation of the agreement.

(c) A state district court of a judicial district in which
the municipality is located has jurisdiction to hear and resolve a
dispute under the ratified 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. The
court may issue proper restraining orders, temporary and permanent
injunctions, or any other writ, order, or process, including
contempt orders, that are appropriate to enforcing the agreement.
Sec. 149.015. ACTION OR ELECTION TO REPEAL AUTHORIZATION TO
OPERATE UNDER THIS CHAPTER. (a) The governing body of a
municipality that granted recognition of an employee association
under Section 149.004 without conducting an election under Section
149.006 may withdraw recognition of the association by providing to
the association not less than 90 days' written notice that:

(1) the governing body is withdrawing recognition of
the association; and

(2) any agreement between the governing body and the
association will not be renewed.

(b) The governing body of a municipality that granted
recognition of an employee association after conducting an election
under Section 149.006 may order an election to determine whether a
public employer may continue to meet and confer under this chapter.
The governing body may not order an election under this subsection
until the second anniversary of the date of the election under
Section 149.006.

(c) An election ordered under Subsection (b) must be held as
part of the next regularly scheduled general election for municipal
officers that occurs after the date the governing body of the
municipality orders the election and that allows sufficient time to
prepare the ballot in compliance with other requirements of law.

(d) The ballot for an election ordered under Subsection (b)
shall be printed to allow voting for or against the proposition:
"Authorizing ________ (name of the municipality) to continue to
operate under the state law allowing a municipality to meet and
confer and make agreements with the association representing
covered employees as provided by state law, preserving the
prohibition against strikes and organized work stoppages, and
providing penalties for strikes and organized work stoppages."

(e) An election ordered under Subsection (b) must be held
and the returns prepared and canvassed in conformity with the
Election Code.

(f) If an election ordered under Subsection (b) is held, the
municipality may continue to operate under this chapter only if a
majority of the votes cast at the election favor the proposition.

(g) If an election ordered under Subsection (b) is held, an
association may not submit a petition for recognition to the
governing body of the municipality under Section 149.004 before the
second anniversary of the date of the election.

Sec. 149.016. ELECTION TO REPEAL AGREEMENT. (a) Not later
than the 45th day after the date a meet and confer agreement is
ratified by the governing body of the municipality and the
recognized employee association, a petition calling for the repeal
of the agreement signed by at least 10 percent of the qualified
voters residing in the municipality may be presented to the person
charged with ordering an election under Section 3.004, Election
Code.

(b) If a petition is presented under Subsection (a), the
governing body of the municipality shall:

(1) repeal the meet and confer agreement; or

(2) certify that it is not repealing the agreement and
call an election to determine whether to repeal the agreement.

(c) An election called under Subsection (b)(2) may 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. The ballot shall be printed to allow voting for
or against the proposition: "Repeal the meet and confer agreement
ratified on _____ (date agreement was ratified) by the ______
(name of the governing body of the municipality) and the _____ (name
of the recognized employee association) concerning wages,
salaries, rates of pay, hours of work, and other terms of
employment."

(d) If a majority of the votes cast at the election favor the
repeal of the agreement, the agreement is void.

Sec. 149.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.
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, local ordinances, executive
orders, civil service provisions, or rules adopted by this state or
a political subdivision or agent of this state, including a
personnel board, civil service commission, or home-rule
municipality, other than a statute, ordinance, executive order,
civil service provision, or rule regarding pensions or
pension-related matters.

SECTION 2. This Act takes effect September 1, 2009.
A BILL TO BE ENTITLED

AN ACT

relating to the right of certain municipalities to maintain local
control over wages, hours, and other terms and conditions of
employment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 5, Local Government Code, is
amended by adding Chapter 149 to read as follows:

CHAPTER 149. LOCAL CONTROL OF MUNICIPAL EMPLOYMENT MATTERS IN
CERTAIN MUNICIPALITIES

Sec. 149.001. APPLICABILITY. (a) This chapter applies
only to a municipality with a population of more than one million
that has not adopted Chapter 143 or 174.

(b) This chapter does not apply to:

(1) firefighters or police officers who are covered by
Subchapter B of Chapter 142, Subchapter H, I, or J of Chapter 143,
Chapter 147, or Chapter 174;

(2) an employee association in which employees
described by Subdivision (1) participate; or

(3) employees of a municipally owned utility or other
board or political subdivision whose wages, salaries, rates of pay,
hours, working conditions, or other terms and conditions of
employment are established and governed by an appointed board
independent from the municipal governing body.

Sec. 149.002. DEFINITIONS. In this chapter:
S.B. No. 1450

(1) "Covered employee" means an employee of a
municipality, other than a department head or managerial employee,
a firefighter or police officer who is covered by Subchapter B of
Chapter 142, Subchapter H, I, or J of Chapter 143, or Chapter 174,
or a peace officer covered by Chapter 142.

(2) "Employee association" means an organization in
which municipal employees participate, that exists for the purpose,
wholly or partly, of dealing with one or more employers, whether
public or private, concerning grievances, labor disputes, wages,
rates of pay, hours of employment, or conditions of work affecting
public employees, and whose members pay dues by means of an
automatic payroll deduction.

(3) "Managerial employee" means an employee who:
(A) is engaged primarily in executive and
management functions; and
(B) is charged with the responsibility of
developing, administering, or effecting management policies.

(4) "Public employer" means any municipality or
agency, board, commission, or political subdivision controlled by a
municipality that is required to establish the wages, salaries,
rates of pay, hours, working conditions, and other terms and
conditions of employment of public employees. The term may
include, under appropriate circumstances, a mayor, manager,
administrator of a municipality, municipal governing body,
director of personnel, personnel board, or one or more other
officials regardless of the name by which they are designated.

Sec. 149.003. GENERAL PROVISIONS RELATING TO AGREEMENTS AND
RECOGNITION. (a) A municipality may not be denied local control
over wages, salaries, rates of pay, hours of work, other terms and
conditions of employment, or other state-mandated personnel
issues. A public employer may enter into a mutual agreement
governing these issues with an employee association recognized
under this chapter as the sole and exclusive bargaining agent for
all covered employees that does not advocate the illegal right to
strike by covered employees. The applicable statutes, local
ordinances, and civil service rules govern a term or condition of
employment on which the public employer and the association do not
agree.

(b) An agreement under this chapter must be written.

(c) This chapter does not require the public employer and
the recognized employee association to meet and confer or reach an
agreement on any issue.

(d) This chapter does not authorize an agreement regarding
pension or pension-related matters governed by statute.

Sec. 149.004. PETITION FOR RECOGNITION: ELECTION OR ACTION
BY GOVERNING BODY. (a) Not later than the 30th day after the date
the governing body of a municipality receives from an employee
association a petition signed by the majority of all covered
employees that requests recognition of the association as the sole
and exclusive bargaining agent for all the covered employees, the
governing body shall:

(1) grant recognition of the association as requested
in the petition and find that a public employer may meet and confer
under this chapter without conducting an election by the voters in

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the municipality under Section 149.006;

(2) defer granting recognition of the association and order an election by the voters in the municipality under Section 149.006 regarding whether a public employer may meet and confer under this chapter; or

(3) order a certification election under Section 149.005 to determine whether the association represents a majority of the covered employees.

(b) If the governing body of a municipality orders a certification election under Subsection (a)(3) and the association named in the petition is certified to represent a majority of the covered employees, the governing body shall, not later than the 30th day after the date that results of that election are certified:

(1) grant recognition of the association as requested in the petition for recognition and find that a public employer may meet and confer under this chapter without conducting an election by the voters in the municipality under Section 149.006; or

(2) defer granting recognition of the association and order an election by the voters in the municipality under Section 149.006 regarding whether a public employer may meet and confer under this chapter.

Sec. 149.005. CERTIFICATION ELECTION. (a) Except as provided by Subsection (b), a certification election ordered under Section 149.004(a)(3) to determine whether an employee association represents a majority of the covered employees shall be conducted according to procedures agreeable to the parties.

(b) If the parties are unable to agree on procedures for the
certification election, either party may request the American
Arbitration Association to conduct the election and to certify the
results of the election.
(c) The results of an election shall be certified if the
employee association receives a majority of the valid votes cast in
the election.
(d) Certification of the results of an election under this
section resolves the question concerning representation.
(e) The association is liable for the expenses of the
certification election, except that if two or more associations
seeking recognition as the sole and exclusive bargaining agent
submit a petition signed by at least 30 percent of the employees
eligible to sign the petition for recognition, all the associations
named in any petition shall share equally the costs of the election.
Sec. 149.006. ELECTION TO AUTHORIZE OPERATING UNDER THIS
CHAPTER. (a) The governing body of a municipality that receives a
petition for recognition under Section 149.004 may order an
election to determine whether a public employer may meet and confer
under this chapter.
(b) An election ordered under this section must be held as
part of the next regularly scheduled general election for municipal
officials that is held after the date the governing body of the
municipality orders the election and that allows sufficient time to
prepare the ballot in compliance with other requirements of law.
(c) The ballot for an election ordered under this section
shall be printed to allow voting for or against the proposition:
"Authorizing ________ (name of the municipality) to operate under
the state law allowing a municipality to meet and confer and make
agreements with the association representing covered employees as
provided by state law, preserving the prohibition against strikes
and organized work stoppages, and providing penalties for strikes
and organized work stoppages."

(d) An election called under this section must be held and
the returns prepared and canvassed in conformity with the Election
Code.

(e) If an election authorized under this section is held,
the municipality may operate under the other provisions of this
chapter only if a majority of the votes cast at the election favor
the proposition.

(f) If an election authorized under this section is held, an
association may not submit a petition for recognition to the
governing body of the municipality under Section 149.004 before the
second anniversary of the date of the election.

Sec. 149.007. CHANGE OR MODIFICATION OF RECOGNITION. (a)
The covered employees may modify or change the recognition of the
employee association granted under this chapter by filing with the
governing body of the municipality a petition signed by a majority
of all covered employees.

(b) The governing body of the municipality may:

(1) recognize the change or modification as provided
by the petition; or

(2) order a certification election in accordance with
Section 149.005 regarding whether to do so.

Sec. 149.008. STRIKES PROHIBITED. (a) A covered employee
S.B. No. 1450

may not engage in a strike or organized work stoppage against this
state or the municipality.

(b) A covered 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) 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. 149.009. RECOGNITION OF EMPLOYEE ASSOCIATION. (a) A
public employer in a municipality that chooses to meet and confer
under this chapter shall recognize an association that is
recognized under Section 149.004 or 149.005 as the sole and
exclusive bargaining agent for the covered employees.

(b) The public employer shall recognize the employee
association until recognition of the association is withdrawn, in
accordance with Section 149.007, by a majority of the covered
employees eligible to sign a petition for recognition.

Sec. 149.010. SELECTION OF BARGAINING AGENT; BARGAINING
UNIT. (a) The public employer's chief executive officer or the
chief executive officer's designee shall select one or more persons
to represent the public employer as its sole and exclusive
bargaining agent to meet and confer on issues related to the wages,
hours of employment, and other terms and conditions of employment
of covered employees.

(b) An employee association may designate one or more
persons to negotiate or bargain on the association's behalf.
(c) A municipality's bargaining unit is composed of all the covered employees.

Sec. 149.011. PROTECTED RIGHTS OF EMPLOYEES. A meet and confer agreement ratified under this chapter may not interfere with the right of a member of a bargaining unit to pursue allegations of discrimination based on race, creed, color, national origin, religion, age, sex, or disability with the Texas Workforce Commission civil rights division or the federal Equal Employment Opportunity Commission or to pursue affirmative action litigation.

Sec. 149.012. OPEN RECORDS. (a) A proposed meet and confer agreement and a document prepared and used by the municipality, including a public employer, in connection with the proposed agreement are available to the public under Chapter 552, Government Code, only after the agreement is ready to be ratified by the governing body of the municipality.

(b) This section does not affect the application of Subchapter C, Chapter 552, Government Code, to a document prepared and used in connection with the agreement.

Sec. 149.013. OPEN DELIBERATIONS. (a) Deliberations relating to a meet and confer agreement or proposed agreement under this chapter between representatives of the public employer and representatives of the employee association recognized under this chapter as the sole and exclusive bargaining agent for the covered employees must be open to the public and comply with state law.

(b) Subsection (a) may not be construed to prohibit the representatives of the public employer or the representatives of the recognized employee association from conducting private
caucuses that are not open to the public during meet and confer

negotiations.

Sec. 149.014. RATIFICATION AND ENFORCEABILITY OF

AGREEMENT. (a) An agreement under this chapter is enforceable and

binding on the public employer, the recognized employee

association, and the employees covered by the meet and confer

agreement only if:

(1) the governing body of the municipality ratified

the agreement by a majority vote; and

(2) the recognized employee association ratified the

agreement by conducting a secret ballot election at which the

majority of the covered employees who are members of the

association favored ratifying the agreement. (b) A meet and confer agreement ratified as described by

Subsection (a) may establish a procedure by which the parties agree

to resolve disputes related to a right, duty, or obligation

provided by the agreement, including binding arbitration on a

question involving interpretation of the agreement.

(c) A state district court of a judicial district in which

the municipality is located has jurisdiction to hear and resolve a

dispute under the ratified 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. The

court may issue proper restraining orders, temporary and permanent

injunctions, or any other writ, order, or process, including

contempt orders, that are appropriate to enforcing the agreement.
Sec. 149.015. ACTION OR ELECTION TO REPEAL AUTHORIZATION TO OPERATE UNDER THIS CHAPTER. (a) The governing body of a municipality that granted recognition of an employee association under Section 149.004 without conducting an election under Section 149.006 may withdraw recognition of the association by providing to the association not less than 90 days' written notice that:

(1) the governing body is withdrawing recognition of the association; and

(2) any agreement between the governing body and the association will not be renewed.

(b) The governing body of a municipality that granted recognition of an employee association after conducting an election under Section 149.006 may order an election to determine whether a public employer may continue to meet and confer under this chapter. The governing body may not order an election under this subsection until the second anniversary of the date of the election under Section 149.006.

(c) An election ordered under Subsection (b) must be held as part of the next regularly scheduled general election for municipal officers that occurs after the date the governing body of the municipality orders the election and that allows sufficient time to prepare the ballot in compliance with other requirements of law.

(d) The ballot for an election ordered under Subsection (b) shall be printed to allow voting for or against the proposition: "Authorizing __________ (name of the municipality) to continue to operate under the state law allowing a municipality to meet and confer and make agreements with the association representing
covered employees as provided by state law, preserving the
prohibition against strikes and organized work stoppages, and
providing penalties for strikes and organized work stoppages."

(e) An election ordered under Subsection (b) must be held
and the returns prepared and canvassed in conformity with the
Election Code.

(f) If an election ordered under Subsection (b) is held, the
municipality may continue to operate under this chapter only if a
majority of the votes cast at the election favor the proposition.

(g) If an election ordered under Subsection (b) is held, an
association may not submit a petition for recognition to the
governing body of the municipality under Section 149.004 before the
second anniversary of the date of the election.

Sec. 149.016. ELECTION TO REPEAL AGREEMENT. (a) Not later
than the 45th day after the date a meet and confer agreement is
ratified by the governing body of the municipality and the
recognized employee association, a petition calling for the repeal
of the agreement signed by at least 10 percent of the qualified
voters residing in the municipality may be presented to the person
charged with ordering an election under Section 3.004, Election
Code.

(b) If a petition is presented under Subsection (a), the
governing body of the municipality shall:

(1) Repeal the meet and confer agreement; or

(2) Certify that it is not repealing the agreement and
call an election to determine whether to repeal the agreement.

(c) An election called under Subsection (b)(2) may be held
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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. The ballot shall be printed to allow voting for
or against the proposition: "Repeal the meet and confer agreement
ratified on ____ (date agreement was ratified) by the ________
(name of the governing body of the municipality) and the ________ (name
of the recognized employee association) concerning wages,
salaries, rates of pay, hours of work, and other terms of
employment."

(d) If a majority of the votes cast at the election favor the
repeal of the agreement, the agreement is void.

Sec. 149.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

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, local ordinances, executive
orders, civil service provisions, or rules adopted by this state or
a political subdivision or agent of this state, including a
personnel board, civil service commission, or home-rule
municipality, other than a statute, ordinance, executive order,
civil service provision, or rule regarding pensions or
pension-related matters.

SECTION 2. This Act takes effect September 1, 2009.