

# Memorandum



DATE November 20, 2009  
TO Honorable Mayor and Members of the Dallas City Council  
SUBJECT Meet and Confer Briefing

Attached you will find the Meet and Confer briefing that will be presented to you on December 2, 2009.

Should you have any questions please feel free to contact me.



Mary K. Suhm  
City Manager

cc: Deborah Watkins, City Secretary  
Thomas P. Perkins, Jr., City Attorney  
Craig Kinton, City Auditor  
Judge C. Victor Lander, Administrative Judge  
Ryan S. Evans, First Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
A.C. Gonzalez, Assistant City Manager  
Forest Turner, Assistant City Manager  
Dave Cook, Chief Financial Officer  
Frank Libro, Public Information Office  
Helena Stevens-Thompson, Assistant to the City Manager

# Meet and Confer Briefing

**Presented to the Dallas City Council  
December 2, 2009**



# Purpose

- I. What is Meet and Confer?
- II. State Meet and Confer Law
- III. How Does the Meet and Confer Process work?
- IV. Meet and Confer Impacts Statewide
- V. What is Collective Bargaining?
- VI. Collective Bargaining Agreement Impacts Statewide
- VII. Legislation on the Horizon at the National Level
- VIII. Summary of Briefing

# What is Meet and Confer?

- Meet and Confer is a process designed to allow police and fire groups and management an opportunity to reach agreement on important employment issues.
- Neither a public employer nor a police or fire group is required to meet and confer.
- Unlike collective bargaining, meet and confer provides an opportunity, **not a requirement**, for the city to reach an agreement with its police and fire employees on wages, benefits and working conditions.

# State Meet and Confer Law

- Texas HB 2307 was enacted September 1, 2009.
- The Bill covers all City of Dallas nonexempt Police and Fire sworn employees **excluding** the following ranks:

Fire	Police
Fire Chief	Police Chief
Assistant Chief	Assistant Chief
	Deputy Chief
	Municipal Marshals

# State Meet and Confer Law

- Law permits police and fire groups to meet with designated management teams to discuss employment matters such as wages, benefits, and working conditions.
- What Constitutes a Group?
  - Police groups that have represented 3% or more of city officers for at least one year may appoint one representative to the Meet and Confer Team.
  - Fire groups may appoint one representative to the Meet and Confer Team. Fire groups do not have to represent 3% of the officers in order to participate.
  - Police and fire Groups combined constitute a Meet and Confer Team.
- Firefighters and police officers may not engage in strikes.

# State Meet and Confer Law

- Three employment points the law suggests for Meet and Confer discussions:
  - Wages
  - Benefits
  - Other working conditions
- The law excludes discussions on pensions

# How does the Meet and Confer Process work?

- The established Meet and Confer Team petitions the city to initiate discussions by submitting a request in writing to the City Manager.
- Once petition received it is presented to the governing body to consider three options:
  1. Grant recognition of the Meet and Confer Team
  2. Defer granting recognition of the Meet and Confer Team and order an election by the voters regarding whether the municipality may meet and confer
  3. Order a Certification Election to determine whether the employee groups in the Meet and Confer Team represent a majority of Police Officers and Firefighters.

**If option 3 is implemented, within 30 days after the Certification Election is complete, the governing body must then proceed with either #1 or #2 above.**

# How does the Meet and Confer Process work?

- If the governing body recognizes Meet and Confer, the City Manager may designate one or more staff members to serve on a management Meet and Confer Team.
- No requirements in the law for either party to meet and confer on any issue or reach an agreement.
- All agreements must be in writing and ratified through a voting process by all uniform officers and approved by the governing body.

# How does the Meet and Confer Process work?

- Under any agreement the city maintains the control over wages, salaries, rates of pay, hours of work or other terms of employment.
- If no agreements are reached, the state laws, local ordinances, and civil service rules remain unaffected.

# Meet and Confer Impacts Statewide

*Note: This research is based on information received from various cities. It is illustrative of Meet and Confer results in various municipalities.*

# Meet and Confer Impacts Statewide

## Austin:

- 1995 State legislation allowed Austin to begin Meet and Confer discussions with police. In 2007, legislature extended Meet and Confer to EMS.
- In 2009, new 4-year agreements approved for Police and EMS:
  - Year 1 - 0% pay increase, 0% pension increase
  - Year 2 - 3% pay increase plus a 1% pension increase
  - Year 3 - 3% pay increase plus a 1% pension increase
  - Year 4 - 3% pay increase plus a 1% pension increase
- Austin Police are the highest paid in Texas — 20% above State average.
- The City of Austin has Collective Bargaining for Firefighters.

# Meet and Confer Impacts Statewide

## Fort Worth:

- Fort Worth established Meet and Confer discussions in September, 2008.
- The Police Meet and Confer Team requested a 30% raise over three years.
- In the Fall 2008, a four year agreement was reached
  - 12.75% raise during term plus continuation of Step Pay increases
  - Appointment of Police Majors By Chief
  - Cancellation allowed if City faces a financial inability to pay or the Crime Tax is defeated

# Meet and Confer Impacts Statewide

## **San Angelo:**

- San Angelo established Meet and Confer discussions in 2009.
- Officers received a 10% pay increase
- Staffing shortages propelled the pay increases - 20% of positions were vacant

# Meet and Confer Impacts Statewide

## Abilene:

- State legislation passed in 2005 allowed Abilene to reach its first Meet and Confer agreements in 2006.
- Abilene negotiated its second Meet and Confer agreements in 2008 for the 2 year period covering 2008 thru 2010.
  - 18% pay raises for police officers
  - 15% pay raises for fire fighters
  - Unique twist to Civil Service
    - No more written entrance examinations
    - Application process can be opened and closed the at the Chief's discretion

# Meet and Confer Impacts Statewide

## Houston Police:

- The City of Houston implemented Meet and Confer with Police in 1998
  - 1998 three year agreement
    - Average 18% increase in pay over 3 years
  - 2001 three year agreement
    - Average 22% increase in pay over 3 years
  - 2004 – Amended the 2001 agreement
    - In effect until June 2010
    - Police received a minimum 2% annual increase to base salary
    - \$12,000 incentive paid to new recruits
- Driving factors for agreement
  - Problem getting enough officers on the streets
  - \$28,000 starting salary in Houston – far behind other large cities
- The City of Houston has collective bargaining for Firefighters.

# What is Collective Bargaining?

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- Collective bargaining requires negotiations between an employer and a group of employees regarding conditions of employment.
- **Collective bargaining procedures require a written agreement with a group of employees.**
- Collective bargaining is governed by federal and state statutory laws, administrative agency regulations, and judicial decisions.

# Collective Bargaining Agreements (CBA) Impacts Statewide

*Note: This research is based on information received from various cities. It is illustrative of Collective Bargaining results in various municipalities.*

# Collective Bargaining Agreement (CBA) Impacts Statewide

## **San Antonio:**

- The City of San Antonio implemented Collective Bargaining for Fire in 1974 and Police in 1975 .

# Collective Bargaining Agreement (CBA) Impacts Statewide

## Houston Fire:

- The City of Houston implemented its first Collective Bargaining Agreement for Fire Fighters in 2005.
- Current CBA ratified in 2009:
  - 2-year agreement through 2010
  - Remains in effect until replaced or terminated, but no later than September 30, 2013
  - Base salaries increase an average of 10% over the agreement period
    - Annual increases had been 2.5%
- Anticipated incremental cost for pay increase
  - 2010 - \$11.75M
  - 2011 - \$12M over 2010 costs
  - Total cost of agreement over two years is approximately \$35.5 M

# Legislation on the Horizon at the National Level

# Legislation on the Horizon at the National Level

- Public Safety Employer-Employee Cooperation Act of 2009 (HR 413/S 1611)
  - Introduce by Representatives Dale Kildee (D-MI) and Judd Gregg (R-NH)
    - 172 House and 8 Senate cosponsors, including the following Texans:
      - Representative Al Green (D-9),
      - Representative Sheila Jackson-Lee (D-18),
      - Representative Ted Poe (R-2) and
      - Representative Ciro Rodriguez (D-23).
- Would require the Federal Labor Relations Authority to determine whether each state:
  - Permits public safety employees to form and join a labor union that is, or seeks to be, recognized as the exclusive bargaining representative of public safety employees.
  - Requires public safety employers to:
    - Recognize public safety employee labor unions
    - Bargain with public safety employee labor unions on hours, wages, and terms of employment, and
    - Commit agreements with public safety employee labor unions to writing
  - Makes an impasse resolution mechanism available, and
  - Requires court enforcement of all of the items above.

# Legislation on the Horizon at the National Level

- If the Federal Labor Relations Authority finds that a state does not have the requirements, then the Authority would take charge of overseeing public safety labor unions in that state, including:
  - Protecting the right of employees to form and join labor unions;
  - Overseeing labor union elections;
  - Mediating disagreements and impasses, and
  - Investigating and resolving complaints of unfair employment practices by public safety employers and their unions.
- The bills include language specifically:
  - Prohibiting strikes by public safety employees and labor unions
  - A grandfather for existing collective bargaining agreements
  - Protects state laws that prohibit a closed shop and protects state laws that are more comprehensive.

# Summary of Briefing

- Texas HB 2307 was enacted September 1, 2009.
- Covers all Dallas nonexempt Police and Fire sworn employees.
- Wages, benefits and other working conditions are the discussion points that may be discussed during Meet and Confer. Discussions regarding Pension are not included.
- The governing body has three options regarding the petition submitted by the Employee Meet and Confer Team.
- No requirements in the law that either party meet and confer on any issue or reach an agreement.
- All written agreements must be approved by the uniform employees and ultimately the governing body.