

**RESOLUTION NO. 20220505-065**

**WHEREAS**, in 2004 the citizens of Austin adopted collective bargaining for Austin Firefighters under the Fire and Police Employee Relations Act, Chapter 174 of the Texas Local Government Code; and

**WHEREAS**, the City has a long history of bargaining in good faith with its employees and their labor organizations; and

**WHEREAS**, within the private sector, collective bargaining impasses are resolved through strikes, lockouts, or binding interest arbitration; and

**WHEREAS**, strikes and other forms of work stoppage are prohibited by law for Texas public safety employees, as any disruption in the services provided by public safety employees poses a substantial risk to public safety and health; and

**WHEREAS**, the Fire and Police Employee Relations Act makes clear that with strikes and other forms of work stoppage prohibited, there must be reasonable alternatives for resolving collective bargaining impasses that are “expeditious, effective, and binding”; and

**WHEREAS**, binding interest arbitration is the only collective bargaining dispute resolution mechanism used in the private sector that is available for use by Texas public safety employees; and

**WHEREAS**, binding interest arbitration has been adopted and used successfully in cities across the State of Texas as a fair and cost-effective way to resolve differences between labor and management during negotiations with public safety employees; and

**WHEREAS**, in 2021, the citizens of Austin voted by an 81%-19% margin to adopt an amendment to the City Charter which allows either the City or the

Austin Firefighters Association to request binding interest arbitration by an impartial panel to settle an impasse regarding the negotiation of a collective bargaining agreement; and

**WHEREAS**, that Charter amendment is consistent with the Fire and Police Employee Relations Act and its mandate that alternatives to strikes be “expeditious, effective, and binding”; and

**WHEREAS**, the collective bargaining process with the Austin Firefighters Association is scheduled to begin in May 2022; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUCIL OF THE CITY OF AUSTIN:**

In the event that the City and the Austin Firefighters Association reach impasse in the upcoming collective bargaining negotiations and that binding interest arbitration is requested by either party, the City Manager is directed to proceed with the binding interest arbitration process as outlined in Article IX, Section 7 of the City Charter.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to inform the City Council if there is an impasse in negotiations and if binding interest arbitration is requested by either party in the upcoming collective bargaining negotiations.

**BE IT FURTHER RESOLVED:**

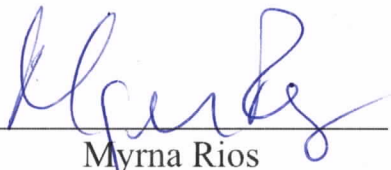
While the above steps are expected to lead to an outcome to collective bargaining negotiations that all parties will accept and adopt, the above actions must be taken with whatever agreements are necessary to ensure that the City does not waive any legal rights, claims, or defenses.

**BE IT FURTHER RESOLVED:**

The City will participate in binding interest arbitration if the parties reach impasse and will be bound by the arbitrators' decision unless the Charter amendment is successfully challenged in Court by action brought by the City or otherwise, and any City challenge in court requires the approval of Council.

**ADOPTED:** May 5, 2022

**ATTEST:**

  
Myrna Rios  
City Clerk