



Unions

Recently, there has been some union activity at entities in the risk pools. All governmental entities in Texas are exempt from the National Labor Relations Act and the National Labor Relations Board's (NLRB). The NLRB also does not have jurisdiction over entities of local government or entities that do not engage in interstate commerce. See, 29 U.S.C. § 152 (2) and (3) (defining "employer" and "employee" to exclude governmental entities and employees of governmental entities).

Additionally, state law prohibits most units of government from collectively bargaining with unions.

Texas Government Code:

Sec. 617.002. COLLECTIVE BARGAINING BY PUBLIC EMPLOYEES PROHIBITED.

- (a) An official of the state or of a political subdivision of the state may not enter into a collective bargaining contract with a labor organization regarding wages, hours, or conditions of employment of public employees.
- (b) A contract entered into in violation of Subsection (a) is void.
- (c) An official of the state or of a political subdivision of the state may not recognize a labor organization as the bargaining agent for a group of public employees.

Talking points

Below are some talking points for governmental entities when talking to employees or their boards.

- Water districts and authorities are units of local governmental.
- Having an IRS 501(c)3 designation for tax purposes does not affect a water district's or authority's governmental status and does not change the fact that the water district or authority is a unit of local government of the state of Texas, not a nonprofit corporation
- As the National Labor Relations Board makes clear "The [National Labor Relations Act] does not cover government employees." See, <https://www.nlr.gov/resources/faq/nlr>
- As units of local government of the state of Texas, water districts and authorities are prohibited under Texas law from entering into a collective bargaining agreement.
- As units of local government of the state of Texas, water districts and authorities are prohibited under Texas law from recognizing a labor organization as a bargaining agent for its employees.

- Police and firefighters are the only public employee groups that are expressly given the right under Texas law to organize for collective bargaining and to engage in collective bargaining with their employers, but that exception is created by state law.
- Water district and authority employees may join or not join a union, as they choose, but water districts and authorities may not recognize any union as a bargaining unit for any employee or group of employees.
- Water districts and authorities should not sign any agreement from a union representative.
- Water district and authority rules and all other requirements employees are required to follow are the same for all employees, regardless of whether the employee may be a union member.