

TEXAS AFL-CIO 88TH LEGISLATIVE SESSION WRAP-UP

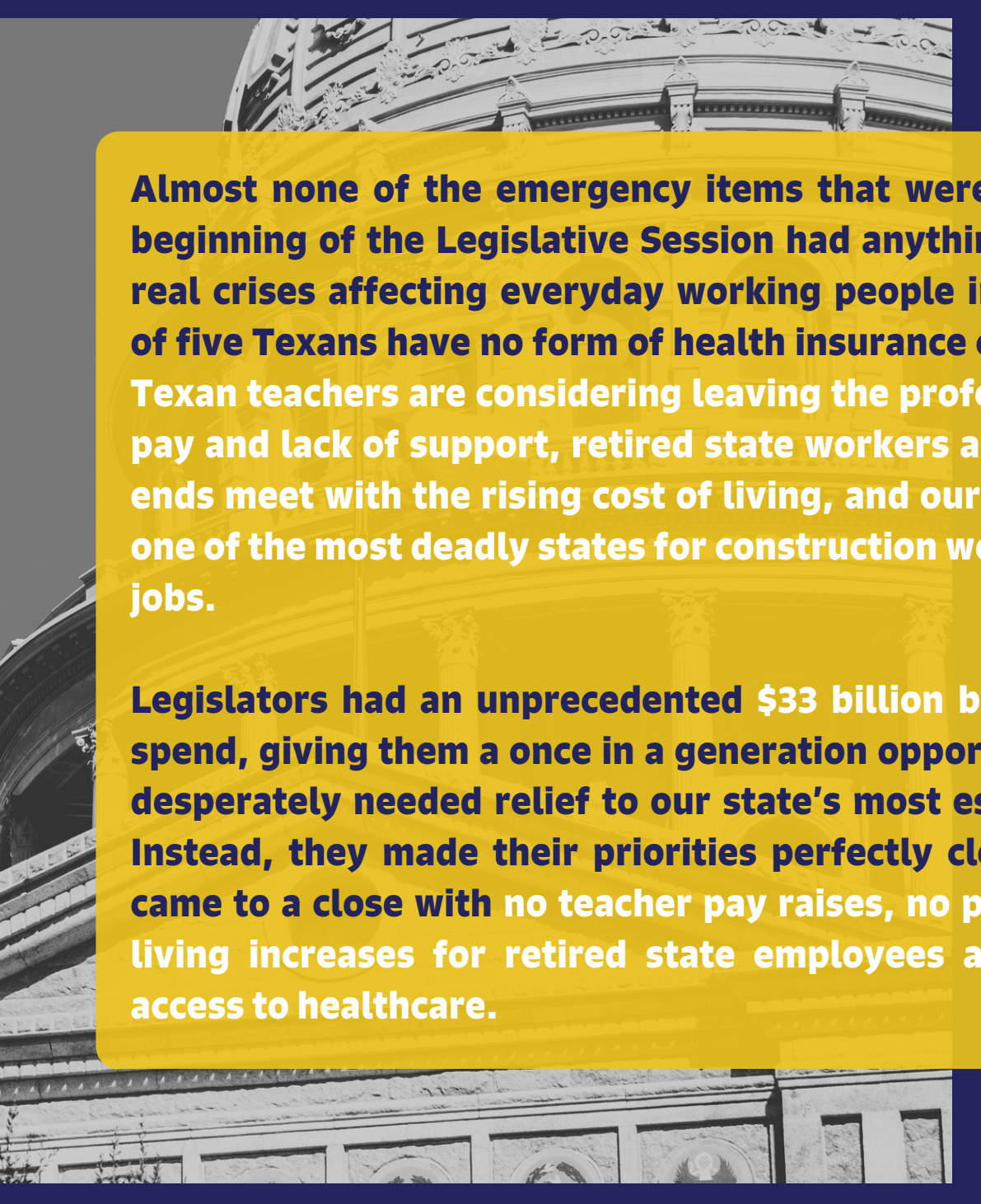


THE TOLL OF THE 88TH

The 88th Regular Legislative Session will go down as one of the most destructive sessions to date. Legislators had 140 days to improve the lives of all Texans. Our allies understood that mission, and fought relentlessly for working people. Unfortunately the majority of legislators chose to spend this time not just ignoring Texans greatest needs, but actively stripping us of our rights, and putting our families at risk for the sake of advancing cruel political agendas.

Despite this, we fought back. Ultimately — a lot happened this session, and we're here to break it down.

THE REAL EMERGENCY



Almost none of the emergency items that were declared at the beginning of the Legislative Session had anything to do with the real crises affecting everyday working people in Texas. One out of five Texans have no form of health insurance coverage, 77% of Texan teachers are considering leaving the profession due to low pay and lack of support, retired state workers are barely making ends meet with the rising cost of living, and ours continues to be one of the most deadly states for construction workers to do their jobs.

Legislators had an unprecedented \$33 billion budget surplus to spend, giving them a once in a generation opportunity to provide desperately needed relief to our state's most essential workers. Instead, they made their priorities perfectly clear. This session came to a close with no teacher pay raises, no pension or cost of living increases for retired state employees and no expanded access to healthcare.

88TH LEGISLATIVE SESSION

WORKER WINS



EXPANDED BENEFITS FOR FAMILIES

- HB 12 expanded medicaid coverage for new mothers (including births, adoptions and miscarriages) from six to twelve months.
- SB 222 granted up to 8 weeks of paid parental leave for state employees.
- HB 2314 will make it easier to file for death benefits claims under the workers comp system by allowing family members to file directly through their insurance carrier.

MANDATORY ARBITRATION FOR FIREFIGHTERS

Firefighters in Houston have been working for five years without a contract due to stalled negotiations with the city. SB 736 will now require the city to come to the bargaining table, a critical breakthrough in the firefighters effort to get a fair contract. Beyond being a major win for the firefighters themselves, SB 736 sets a good precedent for future instances of deadlocked negotiations with essential workers.

CROWN ACT

Texas has at long last joined the ranks of states across the country who have adopted the CROWN Act. HB 567 makes it illegal to professionally or academically punish someone for how they choose to wear their hair in their place of school or work, an issue that disproportionately affects black and brown workers.

(VERY) LONG OVERDUE PAY RAISES FOR STATE AGENCY EMPLOYEES

Faced with record turnover in state agencies, employees will receive their first across the board pay raise since 2014. While this is a good first step, the pattern of waiting to increase pay until our state agencies are in a state of crisis must end.

88TH LEGISLATIVE SESSION WORKER WINS



RETIRED TEACHERS WIN PAY RAISE, DESERVE MUCH MORE

After working day in and day out to make their voices heard in the Capitol, retired state teachers will get a cost of living adjustment (COLA) and a one time supplemental payment of \$2,400 for TRS retirees age 70-74, and \$7,500 for retirees over 75 years of age. This pay increase is welcome, but it's still not enough for retired teachers to keep up with the skyrocketing cost of living.

DEAD ANTI-WORKER BILLS WE WON'T MISS

While there were bills we cared about that did not make it through the legislative process, there were some bad bills that thankfully didn't make it through either.

SB 936 would've killed good jobs for construction workers and further tied the hands of our local communities by prohibiting Project Labor Agreements (PLAs) on certain projects. This bill would have prevented cities and others from benefiting from federal dollars available as a result of legislation that requires or encourages the use of PLAs.

HB 2429 would have lowered wages for our state's construction workers. Texas' current prevailing wage system offers two options: local entities may adopt the wage rates set by the federal government based on surveys determined by the U.S. Department of Labor under the Davis-Bacon Act or the wage rate determined by the local public body using a local wage survey. This bill would add a third option by allowing local entities to set prevailing wage rates using the TWC's labor market information data, making it easier for entities to "pick and choose" the lowest wage rate which will only drive down local wages, hurting workers and their families.

We are glad to have seen these bills fail again this session.

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THE ((VERY)) BAD



PREEMPTION - HB 2127

The passage of HB 2127 effectively marked the greatest transfer of power away from working people and into the hands of a few power-mad state legislators that we've ever seen. This bill straightforwardly aims to erode the will of local communities, especially their efforts to pass ordinances that improve working conditions.

Among the list of local laws that will be immediately undone by HB 2127 are:

- life saving rest breaks for construction workers
- housing and employment nondiscrimination ordinances that go beyond federal law.
- eviction protections for tenants

Beyond just eliminating existing local protections, HB 2127 will make it illegal for local governments to pass new pro-worker laws if they do not already exist at the state level.

A small number of lawmakers in Austin will have near total control of the issues that impact us most, and will leave our democratically elected local officials unable to respond to the needs of our communities. The successful effort to advance preemption in Texas this session was nothing short of a constitutional crisis, and a blatant affront to democracy.

VOUCHERS

Vouchers, misleadingly touted as "school choice" by their supporters, would use funding that is currently reserved for public schools to subsidize private school education for the already advantaged.

Beyond that, there's no accountability with vouchers. Private schools are not subject to the same regulations as public schools. This means -- no way to know how voucher dollars are spent, and no pathway for formal recourse if the needs of students are not being met.

School choice, Education Savings Fund, or vouchers. No matter what they're called, one thing will never change -- public funding should go to public schools -- and with the majority of public school teachers in Texas already struggling to make ends meet, we need more funding for our neighborhood schools, not a risky scheme to further drain them of badly needed resources.

While vouchers were successfully defeated in the regular session, the fight is far from over. Abbott has all but guaranteed a special session will be called for the sole purpose of passing a bill that would make vouchers law in Texas, despite their enormous unpopularity among Texans of all backgrounds.

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MISSED OPPORTUNITIES

- No Medicaid expansion
 - One in five Texans are without healthcare coverage of any kind. That means 20% of our neighbors live in a constant state of fear of themselves or their loved ones becoming injured or ill. Our lawmakers' failure to expand Medicaid in any way and thus leave hundreds of thousands of Texans in the exact same place of precarity they were in before this session began for another two years is unconscionable.
- No attempt to fix our broken unemployment system
 - Nationally, Texas ranks near the bottom in the percentage of unemployed people who are eligible to receive unemployment benefits. This Session could have been a game changer for eliminating the arbitrary criteria that have continuously put the livelihoods of so many Texans at risk while they are at their most vulnerable.
- Rejection of all measures to fight climate change
 - Fighting climate change is a labor issue. Research has shown that transitioning Texas into a sustainable future will bring thousands of jobs to the state. Despite this, lawmakers were openly hostile to any and all legislation that aimed to fight the continued disastrous impact of climate change on our state.
- Ignored calls for school safety
 - The one year anniversary of the horrific Uvalde shootings fell during the legislative session. However, state leaders responded by ignoring the consistent, heartbreaking calls from the victims' families to pass laws that would keep children and teachers safe, despite having been given every opportunity to do so.

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PRO-WORKER BILLS SHOT DOWN

- HB 1054 - Preventing misclassification of workers in the construction industry
 - Through a loophole, misclassified construction workers are denied the benefits their correctly classified counterparts get, while performing the same job. HB 1054 would have required construction employers to properly classify their workers as either an independent contractor or an employee and authorizes the Texas Workforce Commission to assess penalties against construction employers who commit payroll fraud.
- HB 1055 - Protections for workers impacted by labor disputes in other states
 - This bill would have updated existing state statute to make it so that workers in Texas do not lose their employment benefits if employees of the same company they work for go on strike in a different state.
- HB 2872 - Curbing wage theft in Texas
 - Whether intentional or not, wage theft is rampant in Texas, and workers are left with limited recourse to recoup wages they've been unlawfully denied by their employer. This bill would have strengthened protections and helped to deter wage theft by creating a wage theft database where guilty companies' track records are publicly viewable.
- HB 778 - Requiring workers comp for construction workers
 - Texas construction workers face near constant dangerous working conditions and frequent legal violations. More construction workers die in Texas than in any other state. Despite this, we are the only state that doesn't require workers' comp. This bill would have required all construction employers, including subcontractors and contractors, to provide workers' comp.
- HB 495 - Rest breaks for construction workers
 - Would have required rest breaks for construction workers of certain contracts with a governmental entity.
- HB 4673 - Heat illness and fatality prevention
 - On the job heat related injury and fatality is far too common of an occurrence in Texas. This bill would have helped prevent future deaths by instating protections that deal specifically with workers who must labor in the Texas sun.

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TEACHER & SCHOOL STAFF PAY

After it became clear vouchers were hanging on by a thread, legislators attached teacher pay raises to voucher bills in a desperate last minute bid to push them through, functionally holding teachers' pay (and their livelihoods) hostage in the process. Unbelievably, the Session ended with \$0 allocated for educator pay raises. With a \$33 billion surplus this session, it is unthinkable that our teachers and school staff, the majority of whom must work more than one job to make ends meet in our state, have left this session with no pay increase.

NO RELIEF FOR STATE RETIREES

Despite having been given every opportunity to do something -- our legislators ignored the desperate and immediate need for a cost of living adjustment and 13th check for retired state employees. The people who dedicated their lives to the service of our state should not be struggling to live in it. Now they must go another two years wondering if our legislators will do anything to give them what they are owed for their life's work.

ATTACKS ON VOTING RIGHTS

In a straightforward assault on democracy, a slew of bills that continue to suppress the vote of working Texans were passed. For partisan reasons, Harris County was specifically targeted in several of the bills, sending a clear signal that our legislators fear the voice and will of the people who make up the most populous county in the state.

ATTACKS ON HIGHER EDUCATION

Legislators did not even attempt to disguise their disdain for higher public education this session. SB 17 will ban Diversity, Equity and Inclusion (DEI) programs in public universities, delivering an enormous blow to years of progress. SB 18 aimed to eliminate tenure in public universities, which would have all but erased job security for hundreds of professors across the state. The bill passed, but was watered down significantly.

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WEAKENED STANDARDS

- **HB 1391** - This bill will add an alternate qualification to current training requirements and allow the option for an apprentice residential wireman to complete a career and technology education (CTE) program in lieu of any actual hours working on any job site. Eliminating practical training as this bill does ensures a more dangerous worksite.
- **HB 1859** - Removes the condition that prospective HVAC workers must complete a certification program, eliminating on the job experience and safety training. This harmful loosening of safety standards is not just unsafe for workers, but for homeowners and their families too.

ATTACKS ON IMMIGRANT FAMILIES AND LGBTQ+ COMMUNITY

Blatantly anti-immigrant legislation was introduced that would have used public funding to create a separate, untrained and free-roaming immigration enforcement unit that would have the power to racially profile, detain and arrest any Texan who is perceived as potentially being undocumented, all but ensuring violence. In debates on border security, legislators continuously demonized immigrant families, sewed fear, and fabricated a crisis. The LGBTQ+ community was also made a target of relentless attacks, with legislators all but attempting to erase them from existence with hateful and cowardly policy.

It is imperative we recognize these are not attacks on a faceless group of people, they are attacks on our coworkers, neighbors, families and friends. In our movement, an injury to one is an injury to all. We will always fight back against hate.



WHAT NOW?

This session made one thing abundantly clear- our ability to organize, mobilize and build worker power in our state has never been more important.

Our legislators showed us, beyond any doubt, what they are willing to do to take our power away. Now we must show them workers who are united can never be defeated, and make sure we never have a session like the 88th again. The only way we can do that is together.

Join us in the fight for the workers of Texas.

TEXAS AFL★CIO

