

By: Villarreal

H.B. No. 2214

A BILL TO BE ENTITLED

AN ACT

relating to conditions of employment for a peace officer or a detention officer employed by certain sheriff's departments.

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

SECTION 1. Chapter 158, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. LOCAL CONTROL OF SHERIFF'S DEPARTMENT EMPLOYMENT MATTERS

Sec. 158.071. APPLICABILITY. This subchapter applies only to a county with a population of more than one million that:

(1) has adopted a civil service system under Subchapter B; and

(2) contains the majority of the territory of a municipality with a population of more than one million that has adopted Chapter 174.

Sec. 158.072. DEFINITIONS. In this subchapter:

(1) "Association" means an organization in which peace officers and detention officers employed by the sheriff's department participate and that exists for the purpose, in whole or in part, of dealing with the county concerning grievances, labor disputes, wages, rates of pay, hours of work, or conditions of work affecting the peace officers and detention officers.

(2) "Public employer" means a sheriff's department, a county, or an agency, board, or commission controlled by a county

1 that is required to establish the wages, salaries, rates of pay,  
2 hours of work, working conditions, and other terms and conditions  
3 of employment of peace officers and detention officers employed by  
4 the sheriff's department.

5 Sec. 158.073. GENERAL PROVISIONS RELATING TO AGREEMENTS,  
6 RECOGNITION, AND STRIKES. (a) A county may not be denied local  
7 control over the wages, salaries, rates of pay, hours of work, or  
8 other terms and conditions of employment, to the extent the public  
9 employer and the association recognized as the sole and exclusive  
10 meet and confer agent under Section 158.074 agree as provided by  
11 this subchapter. Applicable statutes and applicable local orders,  
12 ordinances, and civil service rules and regulations apply to an  
13 issue not governed by the agreement.

14 (b) An agreement under this subchapter must be in writing.

15 (c) This subchapter does not require a public employer and  
16 the association recognized as the sole and exclusive meet and  
17 confer agent under Section 158.074 to meet and confer or reach an  
18 agreement on any issue.

19 (d) A public employer and an association recognized as the  
20 sole and exclusive meet and confer agent under Section 158.074 may  
21 meet and confer only if the association does not advocate the  
22 illegal right to strike by public employees.

23 (e) A peace officer or detention officer of a sheriff's  
24 department may not engage in a strike or organized work stoppage  
25 against this state or a political subdivision of this state. A  
26 peace officer or detention officer who participates in a strike  
27 forfeits any civil service rights, reemployment rights, and other

1 rights, benefits, or privileges the peace officer or detention  
2 officer may have as a result of the person's employment or prior  
3 employment with the sheriff's department. This subsection does not  
4 affect the right of a person to cease work if the person is not  
5 acting in concert with others in an organized work stoppage.

6 (f) The public employer's chief executive officer or the  
7 chief executive officer's designee shall select a group of persons  
8 to represent the public employer as its sole and exclusive meet and  
9 confer agent for issues related to the employment of peace officers  
10 and detention officers by the sheriff's department.

11 Sec. 158.074. RECOGNITION OF PEACE OFFICER AND DETENTION  
12 OFFICERS ASSOCIATION. (a) In a county that chooses to meet and  
13 confer under this subchapter, the public employer shall recognize  
14 an association submitting a petition for recognition signed by a  
15 majority of the peace officers and detention officers employed by  
16 the sheriff's department, excluding the sheriff and persons the  
17 sheriff may designate as exempt from a civil service system under  
18 Section 158.038(b), as the sole and exclusive meet and confer agent  
19 for all of the peace officers and detention officers employed by the  
20 sheriff's department, excluding the sheriff and persons the sheriff  
21 may designate as exempt under Section 158.038(b), until recognition  
22 of the association is withdrawn by a majority of the peace officers  
23 and detention officers eligible to sign a petition for recognition.

24 (b) Whether an association represents a majority of the  
25 covered employees shall be resolved by a fair election conducted  
26 according to procedures agreeable to the parties. If the parties  
27 are unable to agree on election procedures, either party may

1 request the American Arbitration Association to conduct the  
2 election and to certify the results. Certification of the results  
3 of an election under this subsection resolves the question  
4 concerning representation. The association is liable for the  
5 expenses of the election, except that if two or more associations  
6 seeking recognition as the sole and exclusive meet and confer agent  
7 submit petitions signed by a majority of the employees eligible to  
8 sign the petition, the associations shall share equally the costs  
9 of the election.

10 Sec. 158.075. OPEN RECORDS. (a) A proposed agreement and a  
11 document prepared and used by the sheriff's department in  
12 connection with the proposed agreement are available to the public  
13 under Chapter 552, Government Code, only after the agreement is  
14 ratified by the commissioners court.

15 (b) This section does not affect the application of  
16 Subchapter C, Chapter 552, Government Code, to a document prepared  
17 and used by the sheriff's department in connection with the  
18 agreement.

19 Sec. 158.076. RATIFICATION AND ENFORCEABILITY OF  
20 AGREEMENT. (a) An agreement under this subchapter is enforceable  
21 and binding on the public employer, the recognized association, and  
22 peace officers and detention officers covered by the agreement only  
23 if:

24 (1) the commissioners court ratified the agreement by  
25 a majority vote;

26 (2) the recognized association ratified the agreement  
27 by conducting a secret ballot election at which only the peace

1 officers and detention officers of the county in the association  
2 were eligible to vote, and a majority of the votes cast at the  
3 election favored ratifying the agreement; and

4 (3) the sheriff of the county ratified the agreement.

5 (b) An agreement ratified as described by Subsection (a) may  
6 establish a procedure by which the parties agree to resolve  
7 disputes related to a right, duty, or obligation provided by the  
8 agreement, including binding arbitration on a question involving  
9 interpretation of the agreement.

10 (c) A district court of a judicial district in which the  
11 county is located has jurisdiction to hear and resolve a dispute  
12 under the ratified agreement on the application of a party to the  
13 agreement aggrieved by an action or omission of the other party when  
14 the action or omission is related to a right, duty, or obligation  
15 provided by the agreement. The court may issue proper restraining  
16 orders, temporary and permanent injunctions, or any other writ,  
17 order, or process, including contempt orders, appropriate to  
18 enforce the agreement.

19 Sec. 158.077. PROTECTED RIGHTS OF INDIVIDUAL EMPLOYEES.

20 (a) For the purpose of any disciplinary appeal to the civil service  
21 commission or to a hearing examiner, a member of the association may  
22 choose to be represented by any person of the member's choice or by  
23 the association.

24 (b) An agreement may not interfere with the right of a  
25 member of the association to pursue allegations of discrimination  
26 based on race, creed, color, national origin, religion, age, sex,  
27 or disability with the Commission on Human Rights or the Equal

1 Employment Opportunity Commission or to pursue affirmative action  
2 litigation.

3 SECTION 2. This Act takes effect September 1, 2003.