

By: Hartnett

H.B. No. 2460

A BILL TO BE ENTITLED

AN ACT

relating to local control of police officer employment matters in certain municipalities.

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

SECTION 1. Subtitle A, Title 5, Local Government Code, is amended by adding Chapter 145 to read as follows:

CHAPTER 145. LOCAL CONTROL OF POLICE OFFICER EMPLOYMENT MATTERS IN CERTAIN MUNICIPALITIES WITH POPULATION OF ONE MILLION OR MORE

Sec. 145.001. APPLICABILITY. This chapter applies only to a municipality with a population of one million or more, but does not apply to a municipality that has adopted Chapter 143 or 174.

Sec. 145.002. DEFINITIONS. In this chapter:

(1) "Majority bargaining agent" means the police employee group selected under Section 145.004 or 145.005 to represent all police officers employed by the municipality during negotiations with the public employer.

(2) "Police employee group" means an organization:

(A) in which, on or before September 1, 2003, at least three percent of the police officers of the municipality participated and paid dues via automatic payroll deduction; and

(B) that exists for the purpose, in whole or part, of dealing with the municipality concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work affecting police officers.

1 (3) "Public employer" means any municipality or
2 agency, board, commission, or political subdivision controlled by a
3 municipality that is required to establish the wages, salaries,
4 rates of pay, hours, working conditions, and other terms and
5 conditions of employment of police officers. The term includes,
6 under appropriate circumstances, a mayor, manager, administrator
7 of a municipality, municipal governing body, director of personnel,
8 personnel board, or one or more other officials, regardless of the
9 name by which they are designated.

10 Sec. 145.003. GENERAL PROVISIONS RELATING TO AGREEMENTS,
11 RECOGNITION, AND STRIKES. (a) A municipality may not be denied
12 local control over the wages, salaries, rates of pay, hours of work,
13 and other terms of employment, or other state-mandated personnel
14 issues, if the public employer and the majority bargaining agent
15 come to a mutual agreement on any of the terms of employment. If an
16 agreement is not reached, the state laws, local ordinances, and
17 civil service rules remain unaffected. All agreements shall be
18 written. Nothing in this chapter requires either party to meet and
19 confer on any issue or reach an agreement.

20 (b) A public employer may only meet and confer if the
21 majority bargaining agent does not advocate the illegal right to
22 strike by public employees.

23 (c) Police officers of a municipality may not engage in
24 strikes or organized work stoppages against this state or a
25 political subdivision of this state. A police officer who
26 participates in a strike or work stoppage forfeits all civil
27 service rights, reemployment rights, and any other rights,

1 benefits, or privileges the police officer enjoys as a result of
2 employment or prior employment.

3 Sec. 145.004. SELECTION OF MAJORITY BARGAINING AGENT. (a)
4 Not later than January 31, 2004, representatives from each police
5 employee group shall meet to select the majority bargaining agent.
6 The majority bargaining agent must be selected unanimously.

7 (b) If the representatives of the police employee groups
8 fail to meet or are unable to reach a unanimous consensus as to a
9 majority bargaining agent before January 31, 2004, the selection of
10 a majority bargaining agent will be governed by Section 145.005.

11 Sec. 145.005. ELECTION OF MAJORITY BARGAINING AGENT. (a)
12 This section does not apply if a majority bargaining agent is
13 selected under Section 145.004.

14 (b) The governing body of a police employee group, by
15 resolution, may call for an election to select a majority
16 bargaining agent. The election shall be held not earlier than the
17 60th day and not later than the 90th day after the date the
18 resolution is adopted.

19 (c) All police officers employed by the municipality are
20 entitled to vote in the election.

21 (d) The police employee group receiving a majority of the
22 votes cast shall be the majority bargaining agent.

23 (e) If no police employee group receives a majority of the
24 votes cast, the two police employee groups receiving the highest
25 number of votes shall participate in a runoff election. The runoff
26 election shall be held not later than the 30th day after the date of
27 the initial election.

1 (f) If the police employee groups participating in the
2 election are unable to agree on the procedures for the election, any
3 group may request that the American Arbitration Association conduct
4 the election and certify the results. Certification of the results
5 of an election resolves the question of the selection of the
6 majority bargaining agent.

7 (g) All police employee groups participating in the
8 election shall share equally the expenses of the election. A police
9 employee group that fails to pay its share of the election expenses
10 forfeits the right to participate on the bargaining team under
11 Section 145.006.

12 Sec. 145.006. BARGAINING TEAM; NEGOTIATIONS. (a) A
13 bargaining team shall be created to advise the majority bargaining
14 agent.

15 (b) The majority bargaining agent shall appoint members to
16 serve on the bargaining team. Each qualifying police employee
17 group may appoint one police officer of the municipality to serve on
18 the bargaining team.

19 (c) The majority bargaining agent shall represent all
20 police officers and negotiate with the public employer in an effort
21 to reach an agreement. Another person may not represent police
22 officers or negotiate in this capacity. The bargaining team shall
23 review any agreement reached between the majority bargaining agent
24 and the public employer. A majority of the members of the
25 bargaining team must approve the agreement before a ratification
26 election can be held under Section 145.010.

27 Sec. 145.007. PAYROLL DUES DEDUCTIONS. After a majority

1 bargaining agent is recognized, the public employer may not stop or
2 prevent automatic payroll deductions for dues paid to a police
3 employee group because the group is or is not the majority
4 bargaining agent.

5 Sec. 145.008. OPEN RECORDS REQUIRED. All documents
6 relating to an agreement between a majority bargaining agent and a
7 public employer shall be available to the public in accordance with
8 state statutes.

9 Sec. 145.009. ENFORCEABILITY OF AGREEMENT. (a) A written
10 agreement made under this chapter between a public employer and a
11 majority bargaining agent and approved by the bargaining team is
12 enforceable and binding on the public employer, the majority
13 bargaining agent, police employee groups, and the police officers
14 covered by the agreement if:

15 (1) the municipality's governing body ratified the
16 agreement by a majority vote; and

17 (2) the agreement is ratified under Section 145.010.

18 (b) A state district court of the judicial district in which
19 a majority of the population of the municipality is located has full
20 authority and jurisdiction on the application of either party
21 aggrieved by an action or omission of the other party when the
22 action or omission is related to a right, duty, or obligation
23 provided by any written agreement ratified as required by this
24 chapter. The court may issue proper restraining orders, temporary
25 and permanent injunctions, and any other writ, order, or process,
26 including contempt orders, that are appropriate to enforcing any
27 written agreement ratified as required by this chapter.

1 Sec. 145.010. ELECTION TO RATIFY AGREEMENT. (a) The
2 majority bargaining agent shall call an election to ratify any
3 agreement reached with the public employer if the agreement has
4 been approved by a majority of the bargaining team.

5 (b) All police officers of the municipality are eligible to
6 vote in the election.

7 (c) The bargaining team shall establish procedures of the
8 election by unanimous consensus.

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