

1-1 By: Barrientos S.B. No. 1166  
1-2 (In the Senate - Filed March 11, 2003; March 17, 2003, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; May 20, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 May 20, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1166 By: Gallegos

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to conditions of employment for a peace officer or a  
1-11 detention officer employed by certain sheriff's departments.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 158, Local Government Code, is amended  
1-14 by adding Subchapter C to read as follows:

1-15 SUBCHAPTER C. LOCAL CONTROL OF SHERIFF'S DEPARTMENT EMPLOYMENT  
1-16 MATTERS

1-17 Sec. 158.071. APPLICABILITY. (a) Except as provided by  
1-18 Subsection (b), this subchapter applies only to a county in which  
1-19 Subchapter B has been adopted.

1-20 (b) This subchapter does not apply to a county that:

1-21 (1) has adopted Chapter 174; or

1-22 (2) has a population of more than one million.

1-23 Sec. 158.072. DEFINITIONS. In this subchapter:

1-24 (1) "Bargaining committee" means a committee composed  
1-25 of an equal number of employees who shall be peace officers assigned  
1-26 to the law enforcement division of the sheriff's department and an  
1-27 equal number of detention officers assigned to divisions in the  
1-28 department other than peace officers assigned to the law  
1-29 enforcement division who have elected to form a bargaining  
1-30 committee for the purpose, wholly or partly, of dealing with the  
1-31 county concerning grievances, labor disputes, wages, rates of pay,  
1-32 hours of work, or conditions of work affecting the peace officers  
1-33 and detention officers.

1-34 (2) "Public employer" means a sheriff's department, a  
1-35 county, or an agency, board, or commission controlled by a county  
1-36 that is required to establish the wages, salaries, rates of pay,  
1-37 hours of work, working conditions, and other terms and conditions  
1-38 of employment of peace officers and detention officers employed by  
1-39 the sheriff's department.

1-40 Sec. 158.073. GENERAL PROVISIONS RELATING TO AGREEMENTS AND  
1-41 RECOGNITION. (a) A county may not be denied local control over the  
1-42 wages, salaries, rates of pay, hours of work, or other terms and  
1-43 conditions of employment, to the extent the public employer and the  
1-44 bargaining committee recognized as the sole and exclusive  
1-45 bargaining agent under Section 158.075 agree as provided by this  
1-46 subchapter. Applicable statutes and applicable local orders,  
1-47 ordinances, and civil service rules and regulations apply to an  
1-48 issue not governed by the agreement.

1-49 (b) An agreement under this subchapter must be written.

1-50 (c) This subchapter does not require either a public  
1-51 employer or a recognized bargaining committee to meet and confer on  
1-52 any issue or reach an agreement.

1-53 (d) The public employer's chief executive officer or the  
1-54 chief executive officer's designee shall select a group of persons  
1-55 to represent the public employer as its sole and exclusive  
1-56 bargaining agent for issues related to the employment of peace  
1-57 officers and detention officers by the sheriff's department.

1-58 (e) The sheriff may designate as exempt from the application  
1-59 of an agreement under this subchapter persons described by Section  
1-60 158.038(b) in the number prescribed by Section 158.038(b).

1-61 Sec. 158.074. STRIKES PROHIBITED. (a) A public employer  
1-62 and the recognized bargaining committee may meet and confer only if  
1-63 the bargaining committee and any employee organization composed

2-1 primarily of peace officers and detention officers of a sheriff's  
2-2 department do not advocate the illegal right to strike by public  
2-3 employees.

2-4 (b) A peace officer or detention officer of a sheriff's  
2-5 department may not engage in a strike or organized work stoppage  
2-6 against this state or a political subdivision of this state.

2-7 (c) A peace officer or detention officer who participates in  
2-8 a strike forfeits any civil service rights, reemployment rights,  
2-9 and other rights, benefits, or privileges the peace officer or  
2-10 detention officer may have as a result of the person's employment or  
2-11 prior employment with the sheriff's department.

2-12 (d) This section does not affect the right of a person to  
2-13 cease work if the person is not acting in concert with others in an  
2-14 organized work stoppage.

2-15 Sec. 158.075. RECOGNITION OF PEACE OFFICERS AND DETENTION  
2-16 OFFICERS BARGAINING COMMITTEE. (a) In a county that chooses to  
2-17 meet and confer under this subchapter, the public employer shall  
2-18 recognize a bargaining committee submitting a petition for  
2-19 recognition signed by a majority of the peace officers and  
2-20 detention officers employed by the sheriff's department, excluding  
2-21 the sheriff and persons the sheriff has designated as exempt under  
2-22 Section 158.073(e), as the sole and exclusive bargaining agent for  
2-23 all of the peace officers and detention officers employed by the  
2-24 sheriff's department, excluding the sheriff and persons the sheriff  
2-25 has designated as exempt under Section 158.073(e), until  
2-26 recognition of the bargaining committee is withdrawn by a majority  
2-27 of the peace officers and detention officers eligible to sign a  
2-28 petition for recognition.

2-29 (b) Whether a bargaining committee represents a majority of  
2-30 the covered peace officers and detention officers shall be resolved  
2-31 by a fair election conducted according to procedures agreeable to  
2-32 the parties.

2-33 (c) If the parties are unable to agree on election  
2-34 procedures, either party may request the American Arbitration  
2-35 Association to conduct the election and to certify the results.  
2-36 Certification of the results of an election under this subsection  
2-37 resolves the question concerning representation.

2-38 (d) The bargaining committee is liable for the expenses of  
2-39 an election under this section, except that if two or more  
2-40 committees seeking recognition as the sole and exclusive bargaining  
2-41 agent submit petitions signed by a majority of the peace officers  
2-42 and detention officers eligible to sign the petition, the  
2-43 committees shall share equally the costs of the election.

2-44 Sec. 158.076. OPEN RECORDS. (a) A proposed agreement and  
2-45 a document prepared and used by the sheriff's department in  
2-46 connection with the proposed agreement are available to the public  
2-47 under Chapter 552, Government Code, only after the agreement is  
2-48 ratified by the commissioners court.

2-49 (b) This section does not affect the application of  
2-50 Subchapter C, Chapter 552, Government Code, to a document prepared  
2-51 and used by the sheriff's department in connection with the  
2-52 agreement.

2-53 Sec. 158.077. RATIFICATION AND ENFORCEABILITY OF  
2-54 AGREEMENT. (a) An agreement under this subchapter is enforceable  
2-55 and binding on the public employer, the recognized bargaining  
2-56 committee, and peace officers and detention officers covered by the  
2-57 agreement only if:

2-58 (1) the commissioners court ratified the agreement by  
2-59 a majority vote; and

2-60 (2) the recognized bargaining committee ratified the  
2-61 agreement by conducting a secret ballot election at which only the  
2-62 peace officers and detention officers of the county in the employee  
2-63 organization or organizations representing peace officers and  
2-64 detention officers who could be covered by the agreement were  
2-65 eligible to vote, and a majority of the votes cast at the election  
2-66 favored ratifying the agreement.

2-67 (b) An agreement ratified as described by Subsection (a) may  
2-68 establish a procedure by which the parties agree to resolve  
2-69 disputes related to a right, duty, or obligation provided by the

3-1 agreement, including binding arbitration on a question involving  
3-2 interpretation of the agreement.

3-3 (c) A state district court of a judicial district in which  
3-4 the county is located has jurisdiction to hear and resolve a dispute  
3-5 under the ratified agreement on the application of a party to the  
3-6 agreement aggrieved by an action or omission of the other party when  
3-7 the action or omission is related to a right, duty, or obligation  
3-8 provided by the agreement. The court may issue proper restraining  
3-9 orders, temporary and permanent injunctions, or any other writ,  
3-10 order, or process, including contempt orders, as appropriate to  
3-11 enforce the agreement.

3-12 Sec. 158.078. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

3-13 (a) A written agreement ratified under this subchapter preempts,  
3-14 during the term of the agreement, and to the extent of any conflict,  
3-15 all contrary state statutes, local ordinances, executive orders,  
3-16 civil service provisions, or rules adopted by the sheriff or county  
3-17 or a division or agent of the sheriff or county, such as a personnel  
3-18 board or a civil service commission.

3-19 (b) An agreement ratified under this subchapter may not  
3-20 interfere with the right of a member of an employee organization to  
3-21 pursue allegations of discrimination based on race, creed, color,  
3-22 national origin, religion, age, sex, or disability with the  
3-23 Commission on Human Rights or the federal Equal Employment  
3-24 Opportunity Commission or to pursue affirmative action litigation.

3-25 SECTION 2. This Act takes effect September 1, 2003.

3-26 \* \* \* \* \*