

BILL ANALYSIS

H.B. 304
By: Talton
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Since 1947, except in certain cases specifically authorized by the Texas Legislature, Texas peace officer associations have not legally been able to "meet and confer", or reach agreements with their employers on issues concerning staffing, pay, benefits, equipment, or training. Unlike requirements in collective bargaining, "Meet and confer" practices have been successful because they are interest-based negotiations in which neither the employer nor the employee is mandated to meet or come to an agreement. "Meet and confer" rights have been granted by the legislature to the Houston Fire Department (1993), Austin Police and Fire Departments (1995), the Houston Police Department (1997), the Fort Worth Police and Fire Departments (2001), and the Houston Metropolitan Transit Authority Police Department (2001).

House Bill 304 would allow for an association representing police officers employed by a municipality with a population of 10,000 or more to "meet and confer" with the public employer concerning wage and employment conditions. The act would not apply to municipalities who have adopted Chapter 174 of the Local Government Code or those that have greater than 1 million in population and have not adopted Chapter 143 of the Local Government Code (Dallas). The bill would also not apply to Houston, Austin, or Fort Worth since they are covered by other "meet & confer" statutes.

Somewhat similar to bills filed and discussed in past sessions, HB 304 is markedly permissive in comparison. Procedures allow for city government to either agree to engage in meet and confer or put the question of meet and confer to the voters on a ballot referendum. This process begins if and only if a majority of the officers employed by the police department have signed a petition requesting meet and confer and authorizing an agent to meet and confer on behalf of the police association. If a controversial agreement is reached, the act includes a process that would allow for the agreement to be repealed by the voters. Most importantly, the act would prohibit a police officer's association who has engaged in meet and confer from striking.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 142, Local Government Code, by designating Sections 142.001 - 142.013 as Subchapter A and a heading for the Subchapter.

SECTION 2. Adds new Subchapter B to Chapter 142 of the Local Government Code. Subchapter B, establishes provisions for local control of peace officer employment matters in municipalities with populations over 10,000. The act would not apply to municipalities who have adopted Chapter 174 of the Local Government Code, those covered by Subchapters H, I, or J of Chapter 143, Local Government Code, or those that have greater than 1 million in population and have not adopted Chapter 143 of the Local Government Code.

The new Subchapter B defines terms used in the Act; sets forth a procedure for recognition of a bargaining agent for peace officers in "meet and confer" negotiations; specifies that a municipality may choose to hold a public election to determine whether the public employer may "meet and confer,"; and provides procedures for conducting this election. Additionally, it provides for change of the recognized association by police officers; prohibits officers from

striking; specifies the procedure for recognizing a police officer association as a sole and exclusive bargaining agent for officers; sets forth provisions relating to agreements reached, including a guarantee of local control by the municipality to the extent of any agreement reached; sets forth the selection process of the public employer's and the recognized association's bargaining agent; and guarantees certain rights to officers.

Further, the new Subchapter B specifies that the agreement and ancillary documents, after ratification by the municipality's governing body, are subject to disclosure under the Texas Open Records Act, and that "meet and confer" deliberations are open to the public. Finally, this new Subchapter details procedures for ratification, enforcement, and repeal by election of any agreement reached between officers and the municipality, and provides that the ratified agreement supersedes any conflicting state statutes, local ordinances, rules, orders or provisions, but does not have any effect on existing benefits.

SECTION 3. Establishes the effective date of the Act.

EFFECTIVE DATE

This Act takes effect September 1, 2005.