

BILL ANALYSIS

Senate Research Center
79R12089 E

H.B. 2589
By: Davis, Yvonne (Deuell)
Intergovernmental Relations
5/17/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The City of Dallas is one of the last major metropolitan areas in the State of Texas to be granted the ability to meet and confer with their police officers and fire fighters. The meet and confer process has encouraged a new and positive working relationship between the administration of a department and its employees in these other cities.

H.B. 2589 grants the City of Dallas the ability to meet and confer with the fire fighters and police officers employed by the city fire and police departments.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 5, Local Government Code, by adding Chapter 146, as follows:

CHAPTER 146. LOCAL CONTROL OF FIRE FIGHTER AND POLICE OFFICER EMPLOYMENT MATTERS IN CERTAIN MUNICIPALITIES WITH POPULATION OF ONE MILLION OR MORE

Sec. 146.001. APPLICABILITY. Provides that 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 (Municipal Civil Service) or 174 (Fire and Police Employee Relations).

Sec. 146.002. DEFINITIONS. Defines "fire fighter," "fire fighter employee group," "police officer," "police officer employee group," and "public employer."

Sec. 146.003. MEET AND CONFER TEAM; NEGOTIATIONS. (a) Creates a meet and confer team under this section that consists of certain members.

(b) Provides that the meet and confer team represents all fire fighters and police officers in the municipality and requires the meet and confer team to negotiate with the public employer in an effort to reach an agreement on concerns shared by the fire fighters and police officers regarding terms of employment, other than concerns relating to affirmative action, employment discrimination, hiring, and promotions. Authorizes only the meet and confer team created under this section to represent the fire fighters or police officers of the municipality in the capacity described by this subsection, except that the team may be accompanied by legal counsel.

(c) Requires the issues of affirmative action, hiring, promotions, and discrimination to be negotiated by individual fire fighter and police officer associations, independent of the meet and confer team.

(d) Requires expenses associated with the meet and confer team to be divided pro rata among each fire fighter employee group and police officer employee group

based on the number of sworn fire or police department members represented by each group.

(e) Authorizes a public employer to designate one or more persons to meet and confer on the public employer's behalf.

Sec. 146.004. GENERAL PROVISIONS RELATING TO AGREEMENTS, RECOGNITION, AND STRIKES. (a) Prohibits a municipality from being denied local control over the wages, salaries, rates of pay, hours of work, and other terms of employment, or other state-mandated personnel issues, if the public employer and the meet and confer team come to a mutual agreement on any of the terms of employment. Provides that, if an agreement is not reached, the state laws, local ordinances, and civil service rules remain unaffected. Requires all agreements to be written. Provides that nothing in this chapter requires either party to meet and confer on any issue or reach an agreement.

(b) Authorizes a public employer to meet and confer only if the meet and confer team does not advocate the illegal right to strike by public employees.

(c) Prohibits fire fighters and police officers of a municipality from engaging in strikes against this state or a political subdivision of this state. Provides that a fire fighter or police officer who participates in a strike forfeits all civil service rights, reemployment rights, and any other rights, benefits, or privileges the fire fighter or police officer enjoys as a result of employment or prior employment.

(d) Defines "strike." Provides that nothing in this subsection prevents a fire fighter or police officer of a municipality from conferring with members of the city council about conditions, compensation, rights, privileges, or obligations of employment.

Sec. 146.005. PAYROLL DUES DEDUCTIONS. Prohibits the public employer from preventing automatic payroll deductions for dues paid to a fire fighter employee group or police officer employee group.

Sec. 146.006. RECORDS AND MEETINGS. (a) Provides that an agreement made under this chapter is a public record for purposes of Chapter 552 (Public Information), Government Code. Provides that the agreement and any document prepared and used by the municipality in connection with the agreement, except for materials created during a municipality's caucuses and notes that are otherwise privileged by law, are available to the public in accordance with Chapter 552, Government Code, only after the agreement is ratified by both parties.

(b) Provides that a meeting between the meet and confer team and any persons designated to meet and confer on the municipality's behalf is not subject to Chapter 551 (Open Meetings), Government Code.

(c) Provides that this section does not affect the application of Subchapter C (Information Excepted From Required Disclosure), Chapter 552, Government Code, to a document prepared and used by the municipality in connection with the agreement.

Sec. 146.007. ENFORCEABILITY OF AGREEMENT. (a) Provides that a written agreement made under this chapter between a public employer and the meet and confer team is enforceable and binding on the public employer, the meet and confer team, fire fighter employee groups, police officer employee groups, and the fire fighters and police officers covered by the agreement if certain conditions regarding the agreement are satisfied.

(b) Provides that a state district court of the judicial district in which a majority of the population of the municipality is located has full authority and jurisdiction on the application of either party aggrieved by an action or omission of the other

party when the action or omission is related to a right, duty, or obligation provided by any written agreement ratified as required by this chapter. Authorizes the court to issue proper restraining orders, temporary and permanent injunctions, and any other writ, order, or process, including contempt orders, that are appropriate to enforcing any written agreement ratified as required by this chapter.

Sec. 146.008. ELECTION TO RATIFY AGREEMENT. (a) Requires the meet and confer team to call an election to ratify any agreement reached with the public employer if the agreement has been approved by five-sevenths of the members of the meet and confer team.

(b) Provides that all fire fighters and police officers of the municipality are eligible to vote in the election.

(c) Authorizes an agreement to be ratified under this section only if at least 65 percent of the votes cast in the election favor the ratification.

(d) Authorizes a fire fighter or police officer who is not a member of a fire fighter employee group or a police officer employee group to be assessed a fee for any cost associated with casting the fire fighter's or police officer's vote.

(e) Requires the meet and confer team to establish procedures of the election by unanimous consensus.

SECTION 2. Effective date: September 1, 2005.