

By: Gonzales

H.B. No. 1152

A BILL TO BE ENTITLED

AN ACT

1
2 relating to representation elections conducted under The Fire and
3 Police Employee Relations Act.

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

5 SECTION 1. Section 174.104, Local Government Code, is
6 amended by amending Subsection (b) and adding Subsections (c) and
7 (d) to read as follows:

8 (b) If two or more associations seek recognition as the
9 bargaining agent, a question is considered to have been raised
10 under Subsection (a) if two or more associations present to the
11 public employer proof that at least 30 percent of the department
12 employees support selection of the association as the exclusive
13 bargaining agent for the employees under Sections 174.101-174.103.

14 (c) If the parties are unable to agree on election
15 procedures under Subsection (a), any [~~either~~] party may request the
16 American Arbitration Association to conduct the election and
17 certify the results. If the American Arbitration Association
18 conducts an election under this subsection, the association must
19 hold an arbitration hearing to determine the election procedures
20 and conduct the election in accordance with those procedures.
21 Certification of the results of an election under this section
22 shall resolve the question regarding representation.

23 (d) The public employer shall pay the expenses of an [~~the~~]
24 election under this section, except that if two or more

1 associations seek recognition as the bargaining agent, the
2 associations shall pay the costs of the election equally.

3 SECTION 2. This Act takes effect September 1, 2005.