

## **BILL ANALYSIS**

C.S.S.B. 772  
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Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Historically, the Texas Legislature has prohibited the State and political subdivisions from recognizing a labor organization and negotiating a collective bargaining contract with public employees.

However, in recent years, the Legislature has granted "meet and confer" rights to certain municipal departments.

These rights allow employees to negotiate agreements with their employers regarding employment issues such as wages, staffing, benefits, equipment and training.

This practice has been successful because, unlike collective bargaining requirements, "meet and confer" provisions are permissive and neither the employees nor the employer are mandated to meet or reach an agreement.

"Meet and confer" rights have been granted by the Legislature to the Houston Fire Department (1993), to the Austin Police and Fire Departments (1995), to the Houston Police Department (1997), to the Fort Worth Police and Fire Departments (2001), and to the Houston Metropolitan Transit Authority Police Department (2001).

In 2005, the Legislature passed House Bill No. 304 which allows "meet and confer" for police officers in all cities that have adopted the Municipal Civil Service Act for fire fighters and police as well as to all other cities with a population of 50,000 or more.

The 2005 law excluded "municipalities" that had adopted collective bargaining--which included San Antonio--however, collective bargaining in San Antonio does not apply to park and airport police officers.

As proposed, the House complete committee substitute for Senate Bill No. 772, would amend the applicability section of Subchapter B, Chapter 142, Local Government Code, so as to cover municipalities that have adopted Chapter 174--but not police officers covered by a collective bargaining agreement adopted under Chapter 174.

The House committee substitute for Senate Bill No. 772 would also add language that would allow a municipality to recognize a peace officer association which represents peace officers employed by the municipality in a City department other than the police department.

### **RULEMAKING AUTHORITY**

This bill would not expressly grant any additional rulemaking authority to a State officer, institution, department or agency.

### **SUMMARY ANALYSIS**

This legislation would amend Section 142.051(b), Local Government Code, to provide that the subchapter does not apply to a peace officer who is covered by a collective bargaining agreement adopted under Chapter 174 or an agreement adopted under Subchapter H, I, or J of Chapter 143, or to a municipality with a population of one million or more that has not adopted Chapter 143.

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This legislation would create Section 142.069, Local Government Code, relating to certain peace officers employed by a municipality.

Subsection (a) defines “peace officer” as a peace officer under Article 2.12, Code of Criminal Procedure. It also defines a “peace officer association” as an employee organization in which peace officers employed by a municipal department other than the police department may participate.

Subsection (b) provides that Sec. 142.069 only applies to peace officers employed in a department other than the police department and does not apply to members of the police department.

Subsection (c) provides that a governing body of a municipality that receives a petition from a peace officers association--signed by the majority of peace officer employed by a municipal department other than the police department--shall grant recognition of the association, or defer granting recognition of the association, and order an election by the voters to determine whether the employer may meet and confer with the peace officers association, or order a certification election to determine if the association represents a majority of the affected peace officers.

Subsection (d) provides that if more than one department within a municipality, excluding the police department, employs peace officers, then a separate petition must be submitted for each.

Subsection (e) provides that if the governing body of a municipality orders a certification election and the named association is certified to represent the majority of peace officers of the affected municipal department, the governing body shall grant recognition, or defer granting recognition of the association, and order an election by the voters to determine whether the employer may meet and confer with the peace officers association.

Subsection (f) provides that the ballot for an election shall be printed to permit voting for or against the proposition.

Subsection (g) provides that if a municipality recognizes a peace officers association under the section, then the subchapter applies to the municipality, the recognized association for the affected municipal department, and the affected peace officers in the same manner as it applies to a police officers association and police officers. The wording of any ballot proposition not covered by Subsection (f) shall be conformed accordingly.

Subsection (h) provides that a municipality may not be denied local control over conditions of employment to the extent the public employer and police officers association agree as provided by the subchapter if the agreement is ratified.

Statutes, ordinances, and rules apply to an issue not governed by the meet and confer agreement.

The meet and confer agreement must be written.

The subchapter does not require a public employer or police officers association to meet and confer or reach an agreement.

Meet and confer may only occur if the association does not advocate an illegal strike by public employees.

While a meet and confer agreement is in effect, the public employer may not accept a petition for municipal civil service under Chapter 143 or collective bargaining under Chapter 174.

SECTION 3. The Act would take effect September 1, 2007.

### **EFFECTIVE DATE**

This Act would take effect September 1, 2007.

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## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

SECTION 1 of the engrossed version of Senate Bill No. 772 would have amended Section 142.059 of the Local Government Code by adding a new subsection (f), which would prohibit meet and confer agreements from containing provisions that would confer benefits on a police officers association or members, officers, employees, or contractors of the police officers association.

SECTION 1 of the House committee substitute, however, removes the language amending Section 142.059 and adds language amending Section 142.051(b), Local Government Code related to the applicability of Subchapter B, Local Government Code. Specifically, the new language provides that the subchapter does not apply to a peace officer who is covered by a collective bargaining agreement under Chapter 174 or by an agreement under Subchapter H, I, or J, Chapter 143, nor to a municipality that as a population of one million or more that has not adopted Chapter 143.

SECTION 2 of the engrossed version of Senate Bill No. 772 amended Chapter 142, Local Government Code by adding Subchapter D, Local Government Code, to provide a meet and confer process for airport and park peace officers in certain municipalities, specifically cities with a population of one million or more that has adopted Chapter 176, but not Chapter 146 of the Local Government Code.

SECTION 2 of the House committee substitute, however, removes the language adding the proposed Subchapter D and adds a new proposed Section 142.069 that relates to certain peace officers employed by a municipality. The new Section 142.069 defines “peace officer” and “peace officers association”. The section clarifies the procedures for a municipality to recognize an association that represents peace officers employed by the municipality in a municipal department other than the police department and provisions already in Subchapter B, Local Government Code, relating the meet and confer process are restated in the new Section 142.069 to clarify that these provisions apply to the association and peace officers employed in other municipal departments in the same manner that the statute applies to police officers employed by the police department.

SECTION 3 of the engrossed version of Senate Bill No. 772, which is the effective date, is unchanged by the House committee substitute.