

BILL ANALYSIS

Senate Research Center
80R7991 EJI-D

S.B. 1925
By: Gallegos
Intergovernmental Relations
4/21/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is no statute authorizing Harris County to meet and confer with deputy sheriffs or their employee associations. The meet and confer process has encouraged a new working relationship between counties and deputy sheriffs.

As proposed, S.B. 1925 grants a county with a population of three million or more that employs deputy sheriffs the ability to meet and confer with one or more associations that represent deputy sheriffs employed in the county, excluding the head of any law enforcement agency and certain deputy sheriffs.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 5, Local Government Code, by adding Chapter 161, as follows:

CHAPTER 161. LOCAL CONTROL OF DEPUTY SHERRIFF EMPLOYMENT MATTERS IN CERTAIN COUNTIES

Sec. 161.001. APPLICABILITY. (a) Provides that this chapter, except as provided by Subsection (b), applies only to a sheriff's department in a county with a population of three million or more that employs deputy sheriffs.

(b) Provides that this chapter does not apply to a sheriff's department in a county that has adopted Chapter 174 (Fire and Police Employee Relations).

Sec. 161.002. DEFINITIONS. Defines "association," "deputy sheriff," and "public employer."

Sec. 161.003. PETITION FOR RECOGNITION: ELECTION OR ACTION BY COUNTY COMMISSIONERS. (a) Requires the commissioners court, not later than the 30th day after receipt of a petition signed by a majority of all deputy sheriffs, to grant recognition of the association or associations as requested in the petition and find that the public employers may meet and confer under this chapter, or order a certification election to determine whether the association or associations represent a majority of the affected deputy sheriffs.

(b) Requires the petition described by Subsection (a) to state certain information.

(c) Requires the court, if the commissioners court orders a certification election and the association or associations named in the petition are certified to represent a majority of the affected deputy sheriffs, to, not later than the 30th day after the date that results of that election are certified, grant recognition of the association or associations as requested in the petition for recognition and find that a public employer is authorized to meet and confer under this chapter.

Sec. 161.004. CERTIFICATION ELECTION. (a) Requires a certification election, except as provided by Subsection (b), to be conducted according to procedures agreeable to the parties.

(b) Authorize either party, if the parties are unable to agree on procedures for the certification election, to request the American Arbitration Association to conduct the election and to certify the results of the election.

(c) Provides that certification of the results of an election under this section resolves the question concerning representation.

(d) Provides that the association or associations named in the petition are liable for the expenses of the certification election, except that if one or more other associations seeking recognition as the exclusive bargaining agent submit a petition signed by a majority of the eligible affected deputy sheriffs, all associations named in any petition are required to share equally the costs of the election.

Sec. 161.005. STRIKES PROHIBITED. (a) Prohibits a deputy sheriff from engaging in a strike or organized work stoppage against this state or the county.

(b) Provides that a deputy sheriff who participates in a strike forfeits any civil service rights, reemployment rights, and other rights, benefits, or privileges the deputy sheriff may have as a result of the deputy sheriff's employment or prior employment with the county.

(c) Provides that this section does not affect the right of a deputy sheriff to cease work if the deputy sheriff is not acting in concert with others in an organized work stoppage.

Sec. 161.006. RECOGNITION OF ASSOCIATION BY PUBLIC EMPLOYER. (a) Requires a public employer in a county that chooses to meet and confer under this chapter to recognize an association that is recognized under Section 161.003 or 161.004 as the exclusive bargaining agent for the covered deputy sheriffs under this chapter. Provides that the covered deputy sheriffs are the deputy sheriffs described in the applicable petition for recognition, but the covered deputy sheriffs do not include the head of any law enforcement agency or the employees exempt under Subsection (b).

(b) Provides that, for the purposes of Subsection (a), exempt employees are the sheriff and the deputy sheriffs that the sheriff designates as exempt in the manner prescribed by Subchapter B (Sheriff's Department Civil Service System in Certain Counties), Chapter 158, if the sheriff's department is operating under that subchapter, or that are exempt by the mutual agreement of the recognized association and the sheriff.

(c) Requires the public employer to recognize the association until recognition of the association is withdrawn by a majority of the deputy sheriffs eligible to sign a petition for recognition.

Sec. 161.007. GENERAL PROVISIONS RELATING TO AGREEMENTS. (a) Prohibits a county from being denied local control over the wages, salaries, rates of pay, hours of work, or other terms and conditions of employment to the extent a public employer that is a party to the agreement and an association recognized as an exclusive bargaining agent agree as provided by this chapter, if the agreement is ratified and not repealed under this chapter. Provides that applicable statutes and applicable local orders, ordinances, and civil service rules apply to an issue not governed by the agreement.

(b) Requires a meet and confer agreement under this chapter to be written.

(c) Provides that this chapter does not require a public employer or a recognized association to meet and confer on any issue or reach an agreement.

(d) Authorizes a public employer and a recognized association to meet and confer only if the association does not advocate an illegal strike by public employees.

Sec. 161.008. OPEN RECORDS. (a) Provides that a proposed meet and confer agreement and a document prepared and used by the county or a public employer in connection with the proposed agreement are available to the public under Chapter 552 (Public Information), Government Code, only after the agreement is ratified by the commissioners court of the county.

(b) 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 in connection with the agreement.

Sec. 161.009. RATIFICATION AND ENFORCEABILITY OF AGREEMENT. (a) Provides that a meet and confer agreement under this chapter is enforceable and binding on the county, the sheriff, the applicable recognized association, and the deputy sheriffs covered by the agreement only under certain conditions.

(b) Provides that a state district court of a judicial district in which the county is located has jurisdiction to hear and resolve a dispute under the ratified meet and confer agreement on the application of a party to the agreement aggrieved by an action or omission of the other party when it is related to a right, duty, or obligation provided by the agreement. Authorizes the court to issue proper restraining orders, temporary and permanent injunctions, or any other writ, order, or process, including contempt orders, that are appropriate to enforcing the agreement.

Sec. 161.010. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS. (a) Provides that a written meet and confer agreement ratified under this chapter preempts, during the term of the agreement and to the extent of any conflict, all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules adopted by the sheriff or the county, or by a division or agent of the sheriff or the county, such as a personnel board or a civil service commission.

(b) Prohibits a meet and confer agreement ratified from diminishing or qualifying any right, benefit, or privilege of a deputy sheriff under this chapter or other law unless approved by a majority of the votes received in a secret ballot referendum of the members of the recognized association.

Sec. 161.011. PROTECTED RIGHTS. (a) Authorizes a covered deputy sheriff, for any disciplinary appeal, to be represented by a recognized association or by any person chosen by the deputy sheriff.

(b) Prohibits a meet and confer agreement ratified under this chapter from interfering with the right of a covered deputy sheriff to pursue allegations of discrimination based on race, creed, color, national origin, religion, age, sex, or disability with the Texas Workforce Commission civil rights division or the federal Equal Employment Opportunity Commission or to pursue affirmative action litigation.

Sec. 161.012. ELECTION TO REPEAL AGREEMENT. (a) Authorizes a petition calling for the repeal of the agreement signed by at least 10 percent of the registered voters in the county, not later than the 45th day after the date a meet and confer agreement is ratified by the commissioners court and a recognized association, to be presented to the commissioners court.

(b) Requires the commissioners court, if a petition is presented under Subsection (a), to order an election by the voters in the county to determine whether to repeal the meet and confer agreement.

(c) Requires an election ordered under Subsection (b) to be held as part of the next regularly scheduled general election for the county for which there remains sufficient time to add the question to the ballot. Sets forth the required language for the ballot.

(d) Provides that if a majority of the votes cast at the election favor the repeal of the meet and confer agreement, the agreement is void.

SECTION 2. Effective date: September 1, 2007.