

By: Menendez

H.B. No. 1636

Substitute the following for H.B. No. 1636:

By: Murphy

C.S.H.B. No. 1636

A BILL TO BE ENTITLED

1

AN ACT

2 relating to conditions of employment for certain peace officers.

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

4 SECTION 1. Section 142.051(b), Local Government Code, is
5 amended to read as follows:

6 (b) This subchapter does not apply to:

7 (1) a peace officer who is covered by [a municipality
8 ~~that]~~:

9 (A) a collective bargaining agreement [(1) has]
10 adopted under Chapter 174; or

11 (B) an agreement adopted under [(2) is covered
12 by] Subchapter H, I, or J, Chapter 143; or

13 (2) a municipality that [(3)] has a population of one
14 million or more and has not adopted Chapter 143.

15 SECTION 2. Subchapter B, Chapter 142, Local Government
16 Code, is amended by adding Section 142.069 to read as follows:

17 Sec. 142.069. CERTAIN PEACE OFFICERS EMPLOYED BY
18 MUNICIPALITY. (a) In this section:

19 (1) "Peace officer" means a peace officer under
20 Article 2.12, Code of Criminal Procedure.

21 (2) "Peace officers association" means an employee
22 organization in which peace officers employed by a municipal
23 department other than the police department participate that exists
24 for the purpose, wholly or partly, of dealing with the municipality

1 or public employer concerning grievances, labor disputes, wages,
2 rates of pay, hours of work, or conditions of work affecting peace
3 officers.

4 (b) This section applies only in relation to a peace officer
5 employed by a municipality in a department other than the police
6 department. This section does not apply in relation to members of
7 the police department.

8 (c) Not later than the 30th day after the date the governing
9 body of a municipality receives from a peace officers association a
10 petition signed by the majority of all peace officers employed by a
11 department of the municipality other than the police department,
12 excluding the head of the affected department, that requests
13 recognition of the association as the sole and exclusive bargaining
14 agent for all peace officers employed in that department, excluding
15 the head of the department, the governing body shall:

16 (1) grant recognition of the association as requested
17 in the petition and determine by majority vote that a public
18 employer may meet and confer with the peace officers association
19 under this subchapter without conducting an election by the voters
20 in the municipality under the procedures prescribed by Section
21 142.055;

22 (2) defer granting recognition of the association and
23 order an election by the voters in the municipality held under the
24 procedures prescribed by Section 142.055 regarding whether a public
25 employer may meet and confer with the peace officers association
26 under this subchapter; or

27 (3) order a certification election held under the

1 procedures prescribed by Section 142.054 to determine whether the
2 association represents a majority of the affected peace officers.

3 (d) If more than one department within a municipality,
4 excluding the police department, employs peace officers, a separate
5 petition must be submitted under Subsection (c) for each
6 department's peace officers.

7 (e) If the governing body of a municipality orders a
8 certification election under Subsection (c)(3) and the association
9 named in the petition is certified to represent a majority of the
10 peace officers of the affected municipal department, the governing
11 body shall, not later than the 30th day after the date the results
12 of that election are certified:

13 (1) grant recognition of the association as requested
14 in the petition for recognition and determine by majority vote that
15 a public employer may meet and confer with the peace officers
16 association under this subchapter without conducting an election by
17 the voters in the municipality under the procedures prescribed by
18 Section 142.055; or

19 (2) defer granting recognition of the association and
20 order an election by the voters in the municipality held under the
21 procedures prescribed by Section 142.055 regarding whether a public
22 employer may meet and confer with a peace officers association
23 under this subchapter.

24 (f) The ballot for an election ordered under this section
25 and held under the procedures prescribed by Section 142.055 shall
26 be printed to permit voting for or against the proposition:
27 "Authorizing _____ (name of the municipality) to operate under

1 the state law allowing a municipality to meet and confer and make
2 agreements with the association representing _____
3 (description of affected municipal peace officers) as provided by
4 state law, preserving the prohibition against strikes and organized
5 work stoppages, and providing penalties for strikes and organized
6 work stoppages."

7 (g) If a municipality recognizes a peace officers
8 association under this section, this subchapter applies to the
9 municipality, the recognized peace officers association for the
10 affected municipal department, and the affected peace officers in
11 the same manner as it applies to a police officers association and
12 police officers. The wording of any ballot proposition not covered
13 by Subsection (f) shall be conformed accordingly.

14 (h) General Provisions Relating to Agreements.

15 (1) A municipality acting under Section 142.069 may
16 not be denied local control over the wages, salaries, rates of pay,
17 hours of work, or other terms and conditions of employment to the
18 extent the public employer and the police officers association
19 recognized as the sole and exclusive bargaining agent under this
20 subchapter agree as provided by this subchapter, if the agreement
21 is ratified and not withdrawn in accordance with this subchapter.
22 Applicable statutes and applicable local orders, ordinances, and
23 civil service rules apply to an issue not governed by the meet and
24 confer agreement.

25 (2) A meet and confer agreement under this subchapter
26 must be written.

27 (3) This subchapter does not require a public employer

1 or a recognized police officers association to meet and confer on
2 any issue or reach an agreement.

3 (4) A public employer and the recognized police
4 officers association may meet and confer only if the association
5 does not advocate an illegal strike by public employees.

6 (5) While a meet and confer agreement under this
7 subchapter between the public employer and the recognized police
8 officers association is in effect, the public employer may not
9 accept a petition, with regard to the police officers of the
10 municipality requesting an election to adopt:

- 11 (A) municipal civil service under Chapter 143; or
12 (B) collective bargaining under Chapter 174.

13 SECTION 3. This Act takes effect September 1, 2007.