

A BILL TO BE ENTITLED

AN ACT

relating to conditions of employment for certain peace officers.

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

SECTION 1. Section 142.059, Local Government Code, is amended by adding Subsection (f) to read as follows:

(f) A meet and confer agreement under this subchapter may not contain a provision that confers any benefit on:

(1) the recognized police officers association as an entity;

(2) any other police officers or peace officers association providing support to the recognized police officers association;

(3) any person by virtue of the person's status as a member, officer, employee, or contractor of the recognized police officers association; or

(4) any person by virtue of the person's status as a member of the negotiation or bargaining team under Section 142.060.

SECTION 2. Chapter 142, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. LOCAL CONTROL OF AIRPORT PEACE OFFICER AND PARKS

PEACE OFFICER EMPLOYMENT MATTERS IN CERTAIN MUNICIPALITIES

Sec. 142.151. APPLICABILITY. (a) This subchapter applies only to a municipality with a population of more than one million that:

1 (1) has adopted Chapter 174; and

2 (2) is not covered by Chapter 146.

3 (b) This subchapter does not apply to:

4 (1) a police officer who is covered by an agreement
5 adopted under Subchapter H, I, or J, Chapter 143, or under Chapter
6 174; or

7 (2) a municipality that has a population of one
8 million or more and has not adopted Chapter 143.

9 (c) This subchapter applies only in relation to peace
10 officers employed as municipal parks and recreation peace officers
11 or airport peace officers.

12 Sec. 142.152. DEFINITIONS. In this subchapter:

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

15 (2) "Peace officers association" means an employee
16 organization in which peace officers employed by a municipal
17 department other than the police department participate that exists
18 for the purpose, wholly or partly, of dealing with the municipality
19 concerning grievances, labor disputes, wages, rates of pay, hours
20 of work, or conditions of work affecting peace officers.

21 Sec. 142.153. MEET AND CONFER PROCESS; AGREEMENTS. A
22 municipality may design a meet and confer process and enter into a
23 written agreement with a peace officers association recognized in
24 accordance with the process as the sole and exclusive bargaining
25 agent of a peace officers bargaining unit, under terms and
26 conditions established by the municipality in accordance with this
27 subchapter.

1 Sec. 142.154. GENERAL PROVISIONS. (a) A municipality that
2 designs a meet and confer process under this subchapter may not be
3 denied local control over wages, salaries, rates of pay, hours of
4 work, other terms and conditions of employment, or other
5 state-mandated personnel issues covered by a meet and confer
6 agreement. A municipality may enter into a written agreement
7 governing these issues with a peace officers association recognized
8 under the municipality's meet and confer process as the sole and
9 exclusive bargaining agent for a peace officers bargaining unit
10 that does not advocate the illegal right to strike by municipal
11 employees.

12 (b) The municipality may establish procedures the
13 municipality considers necessary and proper for the implementation
14 of this subchapter, including procedures for an election by the
15 voters in the municipality regarding whether the municipality may
16 meet and confer under this subchapter.

17 Sec. 142.155. STRIKES PROHIBITED. (a) A peace officer,
18 peace officers representative, or peace officers association
19 subject to this subchapter may not, either independently or
20 jointly, declare or engage in a strike or organized work stoppage
21 against this state or the municipality.

22 (b) A peace officer subject to this subchapter who
23 participates in a strike forfeits any civil service rights,
24 reemployment rights, and other rights, benefits, or privileges the
25 peace officer may have as a result of the peace officer's employment
26 or prior employment with the municipality.

27 (c) This section does not affect the right of a person to

1 cease work if the person is not acting in concert with others in an
2 organized work stoppage.

3 Sec. 142.156. ENFORCEABILITY OF AGREEMENT. A state
4 district court of a judicial district in which the municipality is
5 located has jurisdiction to hear and resolve a dispute under a
6 ratified written meet and confer agreement on the application of a
7 party to the agreement aggrieved by an action or omission of the
8 other party when the action or omission is related to a right, duty,
9 or obligation provided by the agreement. The court may issue proper
10 restraining orders, temporary and permanent injunctions, or any
11 other writ, order, or process, including contempt orders, that are
12 appropriate to enforcing the agreement.

13 Sec. 142.157. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.
14 A written meet and confer agreement ratified under this subchapter
15 preempts, during the term of the agreement and to the extent of any
16 conflict, all contrary state statutes or rules adopted by this
17 state regarding wages, hours of work, and other conditions of
18 employment, other than a statute or rule regarding pensions or
19 pension-related matters.

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