

By: Huffman, et al.

S.B. No. 1968

A BILL TO BE ENTITLED

AN ACT

relating to the organization of public employees.

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

SECTION 1. The heading to Section 403.0165, Government Code, is amended to read as follows:

Sec. 403.0165. PAYROLL DEDUCTION FOR STATE EMPLOYEE ORGANIZATION: CERTAIN FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL.

SECTION 2. Sections 403.0165(a), (b), (c), and (d), Government Code, are amended to read as follows:

(a) A covered [~~An~~] employee of a state agency may authorize a transfer each pay period from the employee's salary or wage payment for a membership fee in an eligible state employee organization. The authorization shall remain in effect until the [~~an~~] employee authorizes a change in the authorization. Authorizations and changes in authorizations must be provided in accordance with rules adopted by the comptroller.

(b) The comptroller shall adopt rules for transfers by covered employees to a certified eligible state employee organization. The rules may authorize electronic transfers of amounts deducted from covered employees' salaries and wages under this section.

(c) Participation by covered employees of state agencies in the payroll deduction program authorized by this section is

1 voluntary.

2 (d) To be certified by the comptroller, a state employee
3 organization must have a current dues structure for covered state
4 employees in place and operating in this state for a period of at
5 least 18 months.

6 SECTION 3. Section [403.0165](#)(1), Government Code, is amended
7 by adding Subdivision (3) to read as follows:

8 (3) "Covered employee of a state agency" means:

9 (A) an individual employed by a state agency in a
10 professional law enforcement or firefighting capacity; or

11 (B) an individual employed by a state agency in a
12 capacity that meets the definition of "emergency medical services
13 personnel," as that term is defined by Section [773.003](#), Health and
14 Safety Code.

15 SECTION 4. The heading to Chapter 617, Government Code, is
16 amended to read as follows:

17 CHAPTER 617. COLLECTIVE BARGAINING, ~~[AND]~~ STRIKES, AND PAYROLL
18 DEDUCTIONS

19 SECTION 5. Chapter 617, Government Code, is amended by
20 adding Section 617.006 to read as follows:

21 Sec. 617.006. PROHIBITION ON COLLECTION OF LABOR
22 ORGANIZATION DUES. Except as provided by Sections [403.0165](#) and
23 [659.1031](#), Government Code, and Sections [141.008](#) and [155.001](#), Local
24 Government Code, the state or a political subdivision of the state
25 may not deduct or withhold, or contract to deduct or withhold, from
26 an employee's salary or wages payment of dues or membership fees to
27 a labor organization or other similar entity, including a trade

1 union, labor union, employees' association, or professional
2 organization.

3 SECTION 6. Section 659.1031(a), Government Code, is amended
4 to read as follows:

5 (a) An employee of a state agency employed in a professional
6 law enforcement capacity may authorize in writing a deduction each
7 pay period from the employee's salary or wage payment for payment to
8 an eligible state employee organization of a membership fee in the
9 organization.

10 SECTION 7. Section 101.002(b), Labor Code, is amended to
11 read as follows:

12 (b) A member of a trade union or other organization acting
13 in any capacity, including as otherwise authorized under other law
14 to perform an inspection of the premises, may not enter the premises
15 of another without the consent of the owner of the premises.

16 SECTION 8. Section 101.201(a), Labor Code, is amended to
17 read as follows:

18 (a) A person may not establish, call, participate in, or aid
19 picketing at or near the premises of an employer with whom a labor
20 dispute does not exist, regardless of whether the premises are
21 temporarily or permanently occupied by the employees of another
22 employer with whom a labor dispute does exist.

23 SECTION 9. The heading to Section 141.008, Local Government
24 Code, is amended to read as follows:

25 Sec. 141.008. PAYROLL DEDUCTIONS FOR CERTAIN MUNICIPAL
26 FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES
27 PERSONNEL [~~IN CERTAIN MUNICIPALITIES~~].

1 SECTION 10. Section 141.008, Local Government Code, is
2 amended by amending Subsections (a), (a-1), and (a-2) and adding
3 Subsection (a-3) to read as follows:

4 (a) This section applies only to a municipal employee who
5 is:

6 (1) a member of the municipality's fire or police
7 department; or

8 (2) emergency medical services personnel, as defined
9 by Section 773.003, Health and Safety Code.

10 (a-1) The governing body of a municipality with a population
11 of more than 10,000 may deduct from a municipal employee's monthly
12 salary or wages an amount requested in writing by the employee in
13 payment of membership dues to a bona fide employees' association
14 named by the employee.

15 (a-2) [~~(a-1)~~] The governing body shall make the payroll
16 deduction described by Subsection (a-1) [~~(a)~~] if requested in
17 writing by an employee who is a member of the municipality's fire
18 department or emergency medical services personnel [~~employees who~~
19 ~~are fire protection personnel as defined by Section 419.021,~~
20 ~~Government Code,~~] if the municipality:

21 (1) receives revenue from the state; [~~7~~] and

22 (2) [~~if the municipality~~] permits deductions for
23 purposes other than charity, health insurance, taxes, or other
24 purposes for which the municipality is required by law to permit a
25 deduction.

26 (a-3) [~~(a-2)~~] The governing body of a municipality whose
27 police department is not covered by a collective bargaining

1 agreement or meet and confer agreement entered into under this code
2 shall make the payroll deduction described by Subsection (a-1)
3 ~~[(a)]~~ if:

4 (1) requested in writing by an employee who is a member
5 of the municipality's police department ~~[employees who:~~

6 ~~[(A) are peace officers as defined by Article~~
7 ~~2.12, Code of Criminal Procedure; and~~

8 ~~[(B) are not members of a police department~~
9 ~~covered by a collective bargaining agreement or meet-and-confer~~
10 ~~agreement entered into under this code]; and~~

11 (2) the municipality permits deductions for purposes
12 other than charity, health insurance, taxes, or other purposes for
13 which the municipality is required by law to permit a deduction.

14 SECTION 11. Section 146.002(2), Local Government Code, is
15 amended to read as follows:

16 (2) "Employee association" means an organization in
17 which municipal employees participate and that exists for the
18 purpose, wholly or partly, of dealing with one or more employers,
19 whether public or private, concerning grievances, labor disputes,
20 wages, rates of pay, hours of employment, or conditions of work
21 affecting public employees ~~[and whose members pay dues by means of~~
22 ~~an automatic payroll deduction].~~

23 SECTION 12. Section 146.003, Local Government Code, is
24 amended by adding Subsection (e) to read as follows:

25 (e) This chapter does not authorize an agreement for
26 deducting or withholding payment of dues, fees, or contributions to
27 a labor organization or other similar entity, including a trade

1 union, labor union, employees' association, or professional
2 organization in violation of Section 617.006, Government Code.

3 SECTION 13. Section 146.017, Local Government Code, is
4 amended to read as follows:

5 Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

6 (a) Except as provided by Subsection (b), a [A] written meet and
7 confer agreement ratified under this chapter preempts, during the
8 term of the agreement and to the extent of any conflict, all
9 contrary state statutes, local ordinances, executive orders, civil
10 service provisions, or rules adopted by this state or a political
11 subdivision or agent of this state, including a personnel board,
12 civil service commission, or home-rule municipality, other than a
13 statute, ordinance, executive order, civil service provision, or
14 rule regarding pensions or pension-related matters.

15 (b) A written meet and confer agreement ratified under this
16 chapter may not conflict with or preempt Section 617.006,
17 Government Code.

18 SECTION 14. Section 155.001(a), Local Government Code, is
19 amended to read as follows:

20 (a) The commissioners court, on the request of a county
21 employee, may authorize a payroll deduction to be made from the
22 employee's wages or salary for:

23 (1) payment to a credit union;

24 (2) payment of membership dues in a labor union or a
25 bona fide employees association if the requesting employee serves:

26 (A) in a professional law enforcement or
27 firefighting capacity; or

1 (B) in a capacity that meets the definition of
2 "emergency medical services personnel," as that term is defined by
3 Section 773.003, Health and Safety Code;

4 (3) payment of fees for parking in a county-owned
5 facility;

6 (4) payment to a charitable organization; or

7 (5) payment relating to an item not listed in this
8 subsection if the commissioners court determines that the payment
9 serves a public purpose, unless the deduction would violate another
10 law, including Section 617.006, Government Code, prohibiting the
11 deduction of labor organization dues.

12 SECTION 15. Section 22.001, Education Code, is repealed.

13 SECTION 16. This Act takes effect September 1, 2015.