

By: Huffman

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. Section 403.0165, Government Code, is amended to read as follows:

Sec. 403.0165. PAYROLL DEDUCTION FOR STATE EMPLOYEE ORGANIZATION.

(a) A ~~[An]~~ covered employee of a state agency, as defined by Subsection (1), 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]~~ covered 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 voluntary.

(d) To be certified by the comptroller, a state employee

1 organization must have a current dues structure for covered state
2 employees in place and operating in this state for a period of at
3 least 18 months.

4 (e) Any organization requesting certification shall
5 demonstrate that the fee structure proposed from state employees is
6 equal to an average of not less than one-half of the fees for that
7 organization nationwide.

8 (f) An organization not previously certified may submit an
9 application for certification as an eligible state employee
10 organization to the comptroller at any time except during the
11 period after June 2 and before September 1.

12 (g) The comptroller may approve an application under
13 Subsection (f) if a state employee organization demonstrates to the
14 satisfaction of the comptroller that it qualifies as an eligible
15 state employee organization by providing the documentation
16 required by this section and applicable rules adopted by the
17 comptroller.

18 (h) The comptroller may charge an administrative fee to
19 cover the costs incurred as a result of administering this section.
20 The administrative fees charged by the comptroller shall be paid by
21 each qualifying state employee organization on a pro rata basis to
22 be determined by the comptroller. The comptroller by rule shall
23 determine the most efficient and effective method of collecting the
24 fees.

25 (i) The comptroller may adopt rules for the administration
26 of this section.

27 (j) Repealed by Acts 1997, 75th Leg., ch. 1035, § 90(a),

1 eff. June 19, 1997.

2 (k) Any state employee organization that has a membership of
3 at least 4,000 state employee members on April 1, 1991, shall be
4 certified by the comptroller as an eligible state employee
5 organization. Such an organization may not be required to meet any
6 other eligibility requirements as set out in this section for
7 certification, including requirements in the definition of
8 eligible state employee organization under Subsection (l).

9 (l) In this section:

10 (1) "Eligible state employee organization" means a
11 state employee organization with a membership of at least 4,000
12 state employees continuously for the 18 months preceding a request
13 for certification from the comptroller that conducts activities on
14 a statewide basis and that the comptroller has certified under this
15 article.

16 (2) "State agency" means a department, commission,
17 board, office, or any other state entity of state government.

18 (3) "Covered employee of a state agency" means an
19 individual employed by a state agency in a professional law
20 enforcement or firefighting capacity, or an individual employed by
21 a state agency in a capacity that meets the definition of "emergency
22 medical services personnel" as that term is defined by Section
23 773.003, Health and Safety Code.

24 SECTION 2. The heading to Chapter 617, Government Code, is
25 amended to read as follows:

26 CHAPTER 617. COLLECTIVE BARGAINING, ~~[AND]~~ STRIKES, AND PAYROLL
27 DEDUCTIONS

1 SECTION 3. Chapter 617, Government Code, is amended by
2 adding Section 617.006 to read as follows:

3 Sec. 617.006. PROHIBITION ON COLLECTION OF LABOR
4 ORGANIZATION DUES. Except as provided by Sections 141.008 and
5 155.001, Local Government Code, and Sections 403.0165 and 659.1031,
6 Government Code, the state or a political subdivision of the state
7 may not deduct or withhold, or contract to deduct or withhold, from
8 an employee's salary or wages payment of dues or membership fees to
9 a labor organization or other similar entity, including a trade
10 union, labor union, employees' association, or professional
11 organization.

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

14 (a) An employee of a state agency employed in a professional
15 law enforcement capacity may authorize in writing a deduction each
16 pay period from the employee's salary or wage payment for payment to
17 an eligible state employee organization of a membership fee in the
18 organization.

19 SECTION 5. Section 101.002(b), Labor Code, is amended to
20 read as follows:

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

25 SECTION 6. Section 101.201(a), Labor Code, is amended to
26 read as follows:

27 (a) A person may not establish, call, participate in, or aid

1 picketing at or near the premises of an employer with whom a labor
2 dispute does not exist, regardless of whether the premises are
3 temporarily or permanently occupied by the employees of another
4 employer with whom a labor dispute does exist.

5 SECTION 7. Section 141.008, Local Government Code, is
6 amended to read as follows:

7 Sec. 141.008. PAYROLL DEDUCTIONS FOR CERTAIN MUNICIPAL FIRE
8 AND POLICE DEPARTMENT MEMBERS AND EMERGENCY MEDICAL SERVICES
9 PERSONNEL [~~IN CERTAIN MUNICIPALITIES~~]. (a) The governing body of
10 a municipality with a population of more than 10,000 may deduct from
11 the [a municipal employee's] monthly salary or wages of a member of
12 the municipality's fire or police department or emergency medical
13 services personnel an amount requested in writing by the member
14 [~~employee~~] in payment of the member's [membership] dues to a bona
15 fide employees' association named by the member [~~employee~~].

16 (b) [~~(a-1)~~] The governing body shall make the payroll
17 deduction described by Subsection (a) if requested in writing by a
18 member of the municipality's fire department or emergency medical
19 services personnel, as defined by Section 773.003, Health and
20 Safety Code, [employees who are fire protection personnel as
21 defined by Section 419.021, Government Code,] if the municipality
22 receives revenue from the state, and if the municipality permits
23 deductions for purposes other than charity, health insurance,
24 taxes, or other purposes for which the municipality is required by
25 law to permit a deduction.

26 (c) [~~(a-2)~~] The governing body shall make the payroll
27 deduction described by Subsection (a) if:

1 (1) requested in writing by members of the
2 municipality's police department [~~employees~~] who[+]

3 [~~(A) are peace officers as defined by Article~~
4 ~~2.12, Code of Criminal Procedure; and~~

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

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

11 (d) [~~(b)~~] Participation in the payroll deduction program by
12 a municipal fire or police department member or emergency medical
13 services provider [~~municipal employee~~] who is on active full-time
14 duty is voluntary.

15 (e) A [~~(c) An employee's~~] written request under Subsection
16 (b) or (c) must:

17 (1) be set out in a form prescribed and provided by the
18 municipal treasurer or comptroller;

19 (2) state the amount to be deducted each month; and

20 (3) direct the municipal treasurer or comptroller to
21 transfer the deducted funds to the designated employees'
22 association.

23 (f) [~~(d)~~] The amount deducted each month may not exceed the
24 amount stated in the written request. However, the governing body
25 of a municipality having a program under this section may impose and
26 collect an administrative fee from each participating fire or
27 police department member or emergency medical services provider

1 ~~[employee]~~ in addition to the membership dues that are withheld.
2 The fee must be a reasonable amount to reimburse the municipality
3 for the administrative costs of collecting, accounting for, and
4 disbursing the membership dues.

5 (g) ~~(e)~~ A request under this section remains in effect
6 until the municipal treasurer or comptroller receives a written
7 notice of revocation in a form prescribed and provided by the
8 treasurer or comptroller and filed by the fire or police department
9 member or emergency medical services provider ~~[employee]~~.

10 SECTION 8. Section 146.002(2), Local Government Code, is
11 amended to read as follows:

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

19 SECTION 9. Section 146.003, Local Government Code, is
20 amended by adding Subsection (e) to read as follows:

21 (e) This chapter does not authorize an agreement for
22 deducting or withholding payment of dues, fees, or contributions to
23 a labor organization or other similar entity, including a trade
24 union, labor union, employees' association, or professional
25 organization in violation of Section 617.006, Government Code.

26 SECTION 10. Section 146.017, Local Government Code, is
27 amended to read as follows:

1 Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

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

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

14 SECTION 11. Section 155.001(a), Local Government Code, is
15 amended to read as follows:

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

19 (1) payment to a credit union;

20 (2) payment of membership dues in a labor union or a
21 bona fide employees association if the requesting employee serves
22 in a professional law enforcement or firefighting capacity, or
23 serves in a capacity that meets the definition of "emergency
24 medical services personnel" as that term is defined by Section
25 773.003, Health and Safety Code;

26 (3) payment of fees for parking in a county-owned
27 facility;

- 1 (4) payment to a charitable organization; or
- 2 (5) payment relating to an item not listed in this
- 3 subsection if the commissioners court determines that the payment
- 4 serves a public purpose, unless the deduction would violate another
- 5 law, including Section 617.006, Government Code, prohibiting the
- 6 deduction of labor organization dues.

7 SECTION 12. The following provision is repealed:

- 8 (1) Section 22.001, Education Code.

9 SECTION 13. The changes in law made by this Act to Chapter

10 146, Local Government Code:

11 (1) do not affect the validity of a meet and confer

12 agreement entered into under that chapter before the effective date

13 of this Act; and

14 (2) apply to a meet and confer agreement entered into,

15 proposed to be entered into, proposed to be renewed, or renewed on

16 or after the effective date of this Act.

17 SECTION 14. This Act takes effect September 1, 2015.