

By: Collier

H.B. No. 2672

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the relationship between public employers and fire and  
3 police employees.

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

5 SECTION 1. Sections 174.002(a) and (d), Local Government  
6 Code, are amended to read as follows:

7 (a) The policy of this state is that a political subdivision  
8 shall provide its fire fighters and police officers with  
9 compensation and other conditions of employment that are  
10 substantially equal to ~~[the same as]~~ compensation and other  
11 conditions of employment that prevail ~~[prevailing]~~ in comparable  
12 fire and police departments ~~[private sector employment]~~.

13 (d) Because of the essential and emergency nature of the  
14 public service performed by fire fighters and police officers, a  
15 reasonable alternative to strikes is a system of arbitration  
16 conducted under adequate legislative standards. ~~[Another~~  
17 ~~reasonable alternative, if the parties fail to agree to arbitrate,~~  
18 ~~is judicial enforcement of the requirements of this chapter~~  
19 ~~regarding compensation and conditions of employment applicable to~~  
20 ~~fire fighters and police officers.]~~

21 SECTION 2. Section 174.021, Local Government Code, is  
22 amended to read as follows:

23 Sec. 174.021. COMPENSATION ~~[PREVAILING WAGE]~~ AND WORKING  
24 CONDITIONS REQUIRED. A political subdivision that employs fire

1 fighters, police officers, or both, shall provide those employees  
2 with compensation and other conditions of employment that are[+]

3 [~~(1)~~] substantially equal to compensation and other  
4 conditions of employment that prevail in comparable fire or police  
5 departments, as applicable [~~employment in the private sector, and~~

6 [~~(2) based on prevailing private sector compensation~~  
7 ~~and conditions of employment in the labor market area in other jobs~~  
8 ~~that require the same or similar skills, ability, and training and~~  
9 ~~may be performed under the same or similar conditions~~].

10 SECTION 3. The heading to Section 174.153, Local Government  
11 Code, is amended to read as follows:

12 Sec. 174.153. BINDING INTEREST [~~REQUEST FOR~~] ARBITRATION  
13 REQUIRED [~~, AGREEMENT TO ARBITRATE~~].

14 SECTION 4. Section 174.153, Local Government Code, is  
15 amended by amending Subsections (a) and (b), by adding Subsection  
16 (b-1), and renumbering Subsection (d) to read as follows:

17 (a) A public employer and [~~or~~] an association that is a  
18 bargaining agent shall submit to binding interest [~~may request the~~  
19 ~~appointment of an~~] arbitration [~~board~~] if[+]

20 [~~(1)~~] the parties:

21 (1) [~~(A)~~] reach an impasse in collective bargaining;

22 or

23 (2) [~~(B)~~] are unable to settle after the 61st day  
24 after the date the appropriate lawmaking body fails to approve a  
25 contract reached through collective bargaining[+]

26 [~~(2) the parties made every reasonable effort,~~  
27 ~~including mediation, to settle the dispute through good-faith~~

1 ~~collective bargaining; and~~

2 ~~[(3) the public employer or association gives written~~  
3 ~~notice to the other party, specifying the issue in dispute].~~

4 (b) Each party shall send to the other party a written  
5 notice specifying each issue in dispute for purposes of binding [A  
6 ~~request for] arbitration [must be made]~~ not later than the fifth day  
7 after:

8 (1) the date an impasse was reached under Section  
9 [174.152](#); ~~[or]~~

10 (2) the expiration of an extension period under  
11 Section [174.152](#); or

12 (3) the expiration of the period described by  
13 Subsection (a)(2).

14 (b-1) A notice under Subsection (b) is considered sent on  
15 the date the notice is placed in the mail or personally delivered to  
16 the person authorized to accept service on behalf of the respective  
17 party.

18 (c) ~~(d)~~ A party may not request arbitration more than once  
19 in a fiscal year.

20 SECTION 5. Sections [174.154](#)(a) and (b), Local Government  
21 Code, are amended to read as follows:

22 (a) Not later than the fifth day after the date a party sends  
23 the notice required under Section [174.153](#), the public employer  
24 shall immediately request a list of seven qualified neutral  
25 arbitrators from the American Arbitration Association or the  
26 Federal Mediation and Conciliation Service, or their successors in  
27 function. The bargaining agent and the municipality, or their

1 designees, may agree on one of the seven neutral arbitrators on the  
2 list. If they do not agree within five working days after the date  
3 they received the list, each party or the party's designee shall  
4 alternate striking a name from the list and the name remaining is  
5 the arbitrator. [~~an agreement to arbitrate is executed, each party~~  
6 ~~shall:~~

- 7           ~~(1) select one arbitrator, and~~  
8           ~~(2) immediately notify the other party in writing of~~  
9 ~~the name and address of the arbitrator selected.~~

10       ~~(b) Not later than the 10th day after the date an agreement~~  
11 ~~to arbitrate is executed, the arbitrators named under Subsection~~  
12 ~~(a) shall attempt to select a third (neutral) arbitrator. If the~~  
13 ~~arbitrators are unable to agree on a third arbitrator, either party~~  
14 ~~may request the American Arbitration Association to select the~~  
15 ~~third arbitrator, and the American Arbitration Association may~~  
16 ~~appoint the third arbitrator according to its fair and regular~~  
17 ~~procedures. Unless both parties consent, the third arbitrator may~~  
18 ~~not be the same individual who served as a mediator under Section~~  
19 ~~174.151.]~~

20       SECTION 6. Sections [174.153\(c\)](#), [174.163](#), and [174.252](#), Local  
21 Government Code, are repealed.

22       SECTION 7. This Act takes effect September 1, 2017.