

## **BILL ANALYSIS**

H.B. 3648  
By: Walle  
Intergovernmental Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that while the Harris County Sheriff's Office (HCSO) currently employs nearly 5,000 individuals to serve a population of approximately 4.9 million, making it one of the largest law enforcement agencies in the country, its deputies and other employees possess fewer rights, benefits, and opportunities than police officers and employees in some municipal law enforcement agencies. Under current state law, certain municipalities with a population of one million or more can recognize a meet and confer team for purposes of promoting local control of employment matters in those municipalities. The bill author has also informed the committee that HCSO employees regularly discuss important employment matters. H.B. 3648 seeks to establish a more formal and structured process for those discussions and grant HCSO employees the same meet and confer rights currently available to certain municipal employees by allowing certain counties with a population of 3.3 million or more to recognize a meet and confer team.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

#### **Applicability**

H.B. 3648 amends the Local Government Code to provide for the creation of a meet and confer team in counties with a population of 3.3 million or more that have not adopted The Fire and Police Employee Relations Act for the purposes of promoting local control of the employment matters of sheriff's department employees in those counties.

#### **Meet and Confer Team; Negotiations**

H.B. 3648 creates a meet and confer team in an applicable county consisting of members representing the recognized department employee group in the county. The bill defines "department employee" as an employee of a sheriff's department, excluding the sheriff, and "department employee group" as an organization:

- in which, on or before September 1, 2025, at least three percent of the employees of a sheriff's department for a county have participated and paid dues via automatic payroll deduction; and

- that exists for the purpose, in whole or in part, of dealing with the county concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of employment affecting department employees.

The bill establishes the following with respect to the meet and confer team:

- the meet and confer team represents all department employees in the county and must negotiate with the county in an effort to reach an agreement on concerns shared by the employees regarding terms of employment, including concerns relating to wages, benefits, and other working conditions but excluding concerns relating to pensions; and
- only the meet and confer team created under these provisions may represent the employees in the capacity described by these provisions, except that the team may be accompanied by legal counsel.

The bill authorizes concerns relating to affirmative action, employment discrimination, hiring, and promotions to be discussed by individual sheriff's officer associations independent of the meet and confer team. The bill requires expenses associated with the meet and confer team to be paid by the department employee group. The bill authorizes a county to designate one or more persons to meet and confer on the entity's behalf.

### **Petition for Recognition; Election or Action by Governing Body**

H.B. 3648 requires a county commissioners court, not later than the 30th day after the date the commissioners court receives from the meet and confer team a petition signed by a majority of all department employees, excluding each person exempt from the sheriff's department civil service system as provided by applicable state law, that requests recognition of the meet and confer team as the sole and exclusive bargaining agent for all the department employees of the county, to do the following:

- grant recognition of the meet and confer team as requested in the petition and determine by majority vote that the county may meet and confer under the bill's provisions; or
- order a certification election under the bill's provisions to determine whether the meet and confer team represents a majority of department employees.

If a commissioners court orders a certification election and the meet and confer team is certified to represent a majority of department employees, the commissioners court must, not later than the 30th day after the date that results of that election are certified, grant recognition of the meet and confer team as requested in the petition for recognition and determine by majority vote that the county may meet and confer under the bill's provisions.

### **Certification Election**

H.B. 3648 requires a certification election ordered under the bill's provisions for purposes of determining whether the meet and confer team represents a majority of department employees to be conducted according to procedures agreeable to the parties, except that if the parties are unable to agree on procedures for the certification election, either party may request the American Arbitration Association to conduct the election and to certify the results of the election. Certification of the results of an election under these provisions resolves the question concerning representation. The bill makes the meet and confer team liable for the expenses of the certification election.

### **Withdrawal of Recognition**

H.B. 3648 authorizes department employees to withdraw the recognition of the meet and confer team granted under the bill's provisions by filing with the commissioners court a petition signed by a majority of all department employees stating whether the employees wish to withdraw recognition of the meet and confer team and whether the employees wish to certify a new meet and confer team. The bill requires the commissioners court to order a certification election in accordance with the bill's provisions regarding whether to do so. If a replacement meet and confer team is requested by a petition to withdraw recognition, a certification election held in accordance with the bill's provisions must be held to determine whether the new meet and confer

team will be recognized, and that certification election may be held simultaneously with the certification election to determine whether to withdraw recognition. The bill makes the meet and confer team that seeks to be recognized liable for the expenses of the certification election. If a majority of department employees vote to have the recognition of a meet and confer team withdrawn, the county must withdraw recognition of the meet and confer team.

### **Recognition of Meet and Confer Team**

H.B. 3648 requires a county that chooses to meet and confer under the bill's provisions to recognize the meet and confer team that is recognized under the bill's provisions as the sole and exclusive bargaining agent for department employees, excluding the following exempt employees, in accordance with the bill's provisions and the petition for recognition:

- persons exempt from the sheriff's department civil service system as provided by applicable state law; and
- persons exempted by mutual agreement between the sheriff's department and the department employee group.

The bill requires the county to recognize the meet and confer team until recognition of the meet and confer team is withdrawn in accordance with the bill's provisions by a majority of department employees who are eligible to sign a petition for recognition.

### **General Provisions Relating to Agreements, Recognition, and Strikes**

H.B. 3648 prohibits a county from being denied local control over the wages, salaries, rates of pay, hours of work, and other terms of employment, or other state-mandated personnel issues, if the county and the meet and confer team recognized under the bill's provisions as the sole and exclusive bargaining agent for department employees come to a mutual agreement on any of the terms of employment. The bill establishes the following with respect to such agreements:

- if an agreement is not reached, the state laws, local ordinances, and civil service rules remain unaffected;
- all agreements must be written; and
- nothing in the bill's provisions requires either party to meet and confer on any issue or reach an agreement.

H.B. 3648 authorizes a county to meet and confer only if the meet and confer team does not advocate the illegal right to strike by public employees. The bill prohibits department employees from engaging in strikes against the state or a political subdivision of the state and establishes that a department employee who participates in a strike forfeits all civil service rights, reemployment rights, and any other rights, benefits, or privileges the employee enjoys as a result of employment or prior employment. The bill defines "strike" as failing to report for duty in concerted action with others, wilfully being absent from an assigned position, stopping work, abstaining from the full, faithful, and proper performance of the duties of employment, or interfering with the operation of a county. These provisions expressly do not prohibit a department employee from conferring with members of the commissioners court or sheriff's department about conditions, compensation, rights, privileges, or obligations of employment.

### **Payroll Dues Deductions**

H.B. 3648 prohibits a county from preventing automatic payroll deductions for dues paid to a department employee group that has been recognized as a meet and confer team.

### **Records and Meetings**

H.B. 3648 subjects an agreement made under the bill's provisions and any document prepared and used by the county in connection with the agreement, except for materials created during a commissioners court executive session and notes that are otherwise confidential, to disclosure under state public information law, but only after the agreement is ratified by the parties. These

provisions expressly do not affect the application of provisions of state public information law relating to information excepted from required disclosure to a document prepared and used by the county in connection with the agreement.

### **Enforceability of Agreement**

H.B. 3648 establishes that a written agreement made under the bill's provisions between a county and the meet and confer team is enforceable and binding on the county, the meet and confer team, the department employee group, and the department employees covered by the agreement if the commissioners court ratified the agreement by a majority vote and the agreement is ratified at an election held under the bill's provisions. The bill grants a state district court of the judicial district in which a majority of the population of the county is located full authority and jurisdiction on the application of either party aggrieved by an action or omission of the other party when the action or omission is related to a right, duty, or obligation provided by any written agreement ratified as required by the bill's provisions. The bill authorizes such a court to issue proper restraining orders, temporary and permanent injunctions, and any other writ, order, or process, including contempt orders, that are appropriate to enforcing any written agreement ratified as required by the bill's provisions.

### **Election to Ratify Agreement**

H.B. 3648 requires the meet and confer team to call an election to ratify any agreement reached with the county if the agreement has been approved by the members of the meet and confer team. The bill does the following with respect to such an election to ratify an agreement:

- makes all department employees eligible to vote in the election;
- authorizes an agreement to be ratified only if at least 65 percent of the votes cast in the election favor the ratification;
- authorizes a department employee who is not a member of a department employee group to be assessed a fee for any cost associated with casting the employee's vote;
- requires the meet and confer team by unanimous consensus to establish procedures for the election; and
- makes the meet and confer team liable for the expenses of the election.

### **Election to Repeal Agreement**

H.B. 3648 authorizes a petition calling for the repeal of a meet and confer agreement signed by a number of registered voters residing in the county equal to at least 10 percent of the votes cast at the most recent general election held in the county, not later than the 60th day after the date the agreement is ratified by the commissioners court and department employees under the bill's provisions, to be presented to the person charged with ordering an election in the county under applicable state law. The bill requires the commissioners court to call an election to determine whether to repeal the agreement if such a petition is presented and does the following with respect to such an election:

- authorizes the election to be held as part of the next regularly scheduled general election for the county;
- requires the ballot to be printed to provide for voting for or against the proposition to repeal the meet and confer agreement;
- prescribes the language that must be printed on the ballot; and
- establishes that, if a majority of the votes cast at the election favor the repeal of the agreement, the agreement is void.

### **Effect on Existing Benefits and Rights**

H.B. 3648 prohibits the bill's provisions from being construed to do the following:

- repeal any existing benefit provided by statute or ordinance concerning department employees' compensation, pensions, retirement plans, hours of work, conditions of

employment, or other emoluments except as expressly provided in a ratified meet and confer agreement; or

- interfere with the free speech right, guaranteed by the First Amendment to the U.S. Constitution, of an individual department employee to endorse or dissent from any agreement.

The bill establishes that its provisions are in addition to the benefits provided by existing statutes and ordinances.

**EFFECTIVE DATE**

September 1, 2025.