

By: Walle

H.B. No. 3648

A BILL TO BE ENTITLED

AN ACT

relating to local control of the employment matters of sheriff's department employees in certain counties.

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

SECTION 1. Subtitle B, Title 5, Local Government Code, is amended by adding Chapter 162 to read as follows:

CHAPTER 162. LOCAL CONTROL OF EMPLOYMENT MATTERS OF SHERIFF'S DEPARTMENT EMPLOYEES IN CERTAIN COUNTIES

Sec. 162.001. APPLICABILITY. This chapter applies only to a county with a population of 3.3 million or more, but does not apply to a county that has adopted Chapter 174.

Sec. 162.002. DEFINITIONS. In this chapter:

(1) "Department employee" means an employee of a sheriff's department. The term does not include the sheriff.

(2) "Department employee group" means an organization:

(A) 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

(B) 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.

1 Sec. 162.003. MEET AND CONFER TEAM; NEGOTIATIONS. (a) A
2 meet and confer team is created under this section and consists of
3 members representing the recognized department employee group in
4 the county.

5 (b) The meet and confer team represents all department
6 employees in the county and shall negotiate with the county in an
7 effort to reach an agreement on concerns shared by the employees
8 regarding terms of employment, including concerns relating to
9 wages, benefits, and other working conditions but excluding
10 concerns relating to pensions. Only the meet and confer team
11 created under this section may represent the employees in the
12 capacity described by this subsection, except that the team may be
13 accompanied by legal counsel.

14 (c) Concerns relating to affirmative action, employment
15 discrimination, hiring, and promotions may be discussed by
16 individual sheriff's officer associations independent of the meet
17 and confer team.

18 (d) Expenses associated with the meet and confer team must
19 be paid by the department employee group.

20 (e) A county may designate one or more persons to meet and
21 confer on the entity's behalf.

22 Sec. 162.004. PETITION FOR RECOGNITION: ELECTION OR ACTION
23 BY GOVERNING BODY. (a) Not later than the 30th day after the date
24 a commissioners court receives from the meet and confer team a
25 petition signed by a majority of all department employees,
26 excluding each person exempt from the civil service system as
27 provided by Section [158.038](#), that requests recognition of the meet

1 and confer team as the sole and exclusive bargaining agent for all
2 the department employees of the county, the commissioners court
3 shall:

4 (1) grant recognition of the meet and confer team as
5 requested in the petition and determine by majority vote that the
6 county may meet and confer under this chapter; or

7 (2) order a certification election under Section
8 162.005 to determine whether the meet and confer team represents a
9 majority of department employees.

10 (b) If a commissioners court orders a certification
11 election under Subsection (a)(2) and the meet and confer team is
12 certified to represent a majority of department employees, the
13 court shall, not later than the 30th day after the date that results
14 of that election are certified, grant recognition of the meet and
15 confer team as requested in the petition for recognition and
16 determine by majority vote that the county may meet and confer under
17 this chapter.

18 Sec. 162.005. CERTIFICATION ELECTION. (a) Except as
19 provided by Subsection (b), a certification election ordered under
20 Section 162.004(a)(2) to determine whether the meet and confer team
21 represents a majority of department employees shall be conducted
22 according to procedures agreeable to the parties.

23 (b) If the parties are unable to agree on procedures for the
24 certification election, either party may request the American
25 Arbitration Association to conduct the election and to certify the
26 results of the election.

27 (c) Certification of the results of an election under this

1 section resolves the question concerning representation.

2 (d) The meet and confer team is liable for the expenses of
3 the certification election.

4 Sec. 162.006. WITHDRAWAL OF RECOGNITION. (a) Department
5 employees may withdraw the recognition of the meet and confer team
6 granted under this chapter by filing with the commissioners court a
7 petition signed by a majority of all department employees stating:

8 (1) whether the employees wish to withdraw recognition
9 of the meet and confer team; and

10 (2) whether the employees wish to certify a new meet
11 and confer team.

12 (b) The commissioners court shall order a certification
13 election in accordance with Section 162.005 regarding whether to do
14 so.

15 (c) If a replacement meet and confer team is requested under
16 Subsection (a)(2), a certification election held in accordance with
17 Section 162.005 shall be held to determine whether the new meet and
18 confer team will be recognized, and that certification election may
19 be held simultaneously with the certification election required
20 under Subsection (b).

21 (d) The meet and confer team that seeks to be recognized is
22 liable for the expenses of the certification election.

23 (e) If a majority of department employees vote to have the
24 recognition of a meet and confer team withdrawn, the county shall
25 withdraw recognition of the meet and confer team.

26 Sec. 162.007. RECOGNITION OF MEET AND CONFER TEAM. (a) A
27 county that chooses to meet and confer under this chapter shall

1 recognize the meet and confer team that is recognized under Section
2 162.004 or 162.006 as the sole and exclusive bargaining agent for
3 department employees, excluding the employees exempt under
4 Subsection (b), in accordance with this chapter and the petition.

5 (b) For the purposes of Subsection (a), exempt employees
6 are:

7 (1) persons exempt from the civil service system as
8 provided by Section 158.038; or

9 (2) persons exempted by mutual agreement between the
10 sheriff's department and the department employee group.

11 (c) The county shall recognize the meet and confer team
12 until recognition of the meet and confer team is withdrawn in
13 accordance with Section 162.006 by a majority of department
14 employees who are eligible to sign a petition for recognition.

15 Sec. 162.008. GENERAL PROVISIONS RELATING TO AGREEMENTS,
16 RECOGNITION, AND STRIKES. (a) A county may not be denied local
17 control over the wages, salaries, rates of pay, hours of work, and
18 other terms of employment, or other state-mandated personnel
19 issues, if the county and the meet and confer team recognized under
20 Section 162.004 or 162.006 as the sole and exclusive bargaining
21 agent for department employees come to a mutual agreement on any of
22 the terms of employment. If an agreement is not reached, the state
23 laws, local ordinances, and civil service rules remain unaffected.
24 All agreements must be written. Nothing in this chapter requires
25 either party to meet and confer on any issue or reach an agreement.

26 (b) A county may meet and confer only if the meet and confer
27 team does not advocate the illegal right to strike by public

1 employees.

2 (c) Department employees may not engage in strikes against
3 this state or a political subdivision of this state. A department
4 employee who participates in a strike forfeits all civil service
5 rights, reemployment rights, and any other rights, benefits, or
6 privileges the employee enjoys as a result of employment or prior
7 employment.

8 (d) In this section, "strike" means failing to report for
9 duty in concerted action with others, wilfully being absent from an
10 assigned position, stopping work, abstaining from the full,
11 faithful, and proper performance of the duties of employment, or
12 interfering with the operation of a county. This section does not
13 prohibit a department employee from conferring with members of the
14 commissioners court or sheriff's department about conditions,
15 compensation, rights, privileges, or obligations of employment.

16 Sec. 162.009. PAYROLL DUES DEDUCTIONS. The county may not
17 prevent automatic payroll deductions for dues paid to a department
18 employee group that has been recognized as a meet and confer team.

19 Sec. 162.010. RECORDS AND MEETINGS. (a) An agreement made
20 under this chapter and any document prepared and used by the county
21 in connection with the agreement, except for materials created
22 during a commissioners court executive session and notes that are
23 otherwise confidential, are subject to disclosure under Chapter
24 552, Government Code, but only after the agreement is ratified by
25 the parties.

26 (b) This section does not affect the application of
27 Subchapter C, Chapter 552, Government Code, to a document prepared

1 and used by the county in connection with the agreement.

2 Sec. 162.011. ENFORCEABILITY OF AGREEMENT. (a) A written
3 agreement made under this chapter between a county and the meet and
4 confer team is enforceable and binding on the county, the meet and
5 confer team, the department employee group, and the department
6 employees covered by the agreement if:

7 (1) the commissioners court ratified the agreement by
8 a majority vote; and

9 (2) the agreement is ratified under Section 162.012.

10 (b) A state district court of the judicial district in which
11 a majority of the population of the county is located has full
12 authority and jurisdiction on the application of either party
13 aggrieved by an action or omission of the other party when the
14 action or omission is related to a right, duty, or obligation
15 provided by any written agreement ratified as required by this
16 chapter. The court may issue proper restraining orders, temporary
17 and permanent injunctions, and any other writ, order, or process,
18 including contempt orders, that are appropriate to enforcing any
19 written agreement ratified as required by this chapter.

20 Sec. 162.012. ELECTION TO RATIFY AGREEMENT. (a) The meet
21 and confer team shall call an election to ratify any agreement
22 reached with the county if the agreement has been approved by the
23 members of the meet and confer team.

24 (b) All department employees are eligible to vote in the
25 election.

26 (c) An agreement may be ratified under this section only if
27 at least 65 percent of the votes cast in the election favor the

1 ratification.

2 (d) A department employee who is not a member of a
3 department employee group may be assessed a fee for any cost
4 associated with casting the employee's vote.

5 (e) The meet and confer team by unanimous consensus shall
6 establish procedures for the election.

7 (f) The meet and confer team is liable for the expenses of
8 the election.

9 Sec. 162.013. ELECTION TO REPEAL AGREEMENT. (a) Not later
10 than the 60th day after the date a meet and confer agreement is
11 ratified by the commissioners court and department employees under
12 Section 162.012, a petition calling for the repeal of the agreement
13 signed by a number of registered voters residing in the county equal
14 to at least 10 percent of the votes cast at the most recent general
15 election held in the county may be presented to the person charged
16 with ordering an election under Section 3.004, Election Code.

17 (b) If a petition is presented under Subsection (a), the
18 commissioners court shall call an election to determine whether to
19 repeal the agreement.

20 (c) An election called under Subsection (b) may be held as
21 part of the next regularly scheduled general election for the
22 county. The ballot shall be printed to provide for voting for or
23 against the proposition: "Repeal the meet and confer agreement
24 ratified on _____ (date agreement was ratified) by the
25 commissioners court of _____ (name of the county) and the
26 employees of the sheriff's department of _____ (name of
27 county) concerning wages, salaries, rates of pay, hours of work,

1 and other terms of employment."

2 (d) If a majority of the votes cast at the election favor the
3 repeal of the agreement, the agreement is void.

4 Sec. 162.014. EFFECT ON EXISTING BENEFITS AND RIGHTS.

5 (a) This chapter may not be construed to repeal any existing
6 benefit provided by statute or ordinance concerning department
7 employees' compensation, pensions, retirement plans, hours of
8 work, conditions of employment, or other emoluments except as
9 expressly provided in a ratified meet and confer agreement. This
10 chapter is in addition to the benefits provided by existing
11 statutes and ordinances.

12 (b) This chapter may not be construed to interfere with the
13 free speech right, guaranteed by the First Amendment to the United
14 States Constitution, of an individual department employee to
15 endorse or dissent from any agreement.

16 SECTION 2. This Act takes effect September 1, 2025.