

SUBJECT: Creating business-leave accounts for Dallas police associations

COMMITTEE: Law Enforcement — committee substitute recommended

VOTE: 4 ayes — Driver, Garza, Hegar, Hupp
0 nays
3 absent — Burnam, Y. Davis, Keel

WITNESSES: For — James Parnell, Dallas Police Association
Against — Troy McClain and Cynthia Villarreal, Dallas Police Department

BACKGROUND: The Fire and Police Employee Relations Act, Local Government Code, ch. 174, authorizes fire fighters and police officers to organize and bargain collectively with their public employer regarding compensation, hours, and other conditions of employment. Municipalities may adopt the act to make this authority effective.

DIGEST: CSHB 622 would apply only to police officers employed by a municipality with a population of one million or more that had not adopted Fire and Police Employee Relations Act (currently, the city of Dallas).

The bill would authorize a police officer to donate up to two hours of vacation or compensatory time each month to a “business-leave account” of an employee organization. Business leave is leave taken for the purpose of handling the business of an employee organization, and employee organizations would include the Texas Peace Officers Association, Dallas Police Association, Dallas Fraternal Order of Police, and Latino Peace Officers Association.

An officer who became member of an employee organization could draw time from the organization’s account for business-leave purposes if its president made the request and the municipality approved it. The municipality could refuse this request only in an emergency or if granting it would result in an insufficient number of police officers to carry out municipal functions. Use of

business leave would be treated the same as paid leave and not as a break in service.

The municipality would be responsible for:

- establishing and maintaining the business-leave time account, measured in hours without regard to cash value, for each employee organization;
- receiving officers' written authorizations to donate leave time and transferring accordingly the hours on a monthly basis, unless it received a written revocation of the authorization; and
- keeping track of the time donated and deducted for business leave.

CSHB 622 would prohibit an employee organization from using more than 4,000 hours from its business-leave account during the calendar year, although it could accumulate more than 4,000 hours during that period.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

HB 622 would allow Dallas police officers to establish a practice already enjoyed by police officer groups in Houston, San Antonio, and elsewhere who have engaged in collective bargaining or meet-and-confer negotiations to arrange business-leave programs with their governing authorities. The bill is necessary because Dallas police cannot bargain collectively with the city to arrange a similar program.

Currently, the Dallas Police Association (DPA) and other Dallas police officer groups must pay cash reimbursements to the city for the time their members use to perform association business. The bill merely would allow DPA and other listed groups to accumulate and use members' donations of vacation and compensatory time in lieu of money. The bill would have no fiscal impact for Dallas because the leave fund would be filled by officer donations.

DPA and other police officer associations in Dallas add value to policy-making, and state law should support them. Acting on behalf of their

associations, leaders of these groups meet with members of the city council and legislators and have testified voluntarily as experts before committees when otherwise they would be working. Reimbursement for this time can be costly, yet the associations are supported by hard-working officers paid modestly as civil servants. HB 622 simply would make it easier for Dallas police associations to continue their work on behalf these officers by allowing them to compensate the city with pooled vacation and compensatory time. If association leaders began abusing the donations of their colleagues, the members would elect new leadership or end their voluntary donations.

The bill would contain provisions necessary to protect the public and insert other reasonable limitations. Emergencies or staffing deficiencies, as determined by the city, could trigger denial of requests to use pooled hours for business-leave purposes. An association could expend only 4,000 hours annually to attend to its business, which is not quite twice the number of hours that a single Dallas police officer works during a year. While the bill would authorize the city to grant business-leave requests, in practice such requests would pass first through the police department hierarchy for approval.

**OPPONENTS
SAY:**

HB 622 improperly would convert an individual employment benefit — vacation and compensatory leave — into a fungible benefit for use by potentially any member of an employee association. This maneuver would complicate significantly the municipality's system for managing personnel. A large employee association could accumulate thousands of hours and designate two police officer/employee organization members to take business leave almost all year. This could pose a significant burden even to a large city like Dallas, especially if the officers held key positions.

The bill would force the city to rely on narrow reasons for denying a request for business leave, instead of requiring the association to justify its request. During the recent war in Iraq, for example, the city needed all its police officers to be available in case of an emergency. However, if an association member had insisted on taking business leave during that time, the department could not have denied the request — no *actual* emergency existed and the officer was not needed to carry out the normal functions of the municipality. Likewise, bill is faulty because it would not require permission from police authorities in granting the request for business leave. It would require only permission from the municipality.

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CSHB 622 provides no real definition for “employee association,” merely a list of organizations that would not rule out the addition of more “employee associations” in the future that also could accumulate and demand business-leave hours. The bill also would cost the city to reprogram the payroll system to establish accounts and track time donated and deducted. By one estimate, this procedure could cost \$50,000.

NOTES: The committee substitute differs from the bill as introduced by enumerating four employee organizations.