

BILL ANALYSIS

Senate Research Center

S.B. 621
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Intergovernmental Relations
4/19/1999
As Filed

DIGEST

Currently, most employees of the Houston Metropolitan Transportation Authority (HMTA) are covered by a collective bargaining agreement; however, police officers employed by HMTA are unable to negotiate an employment agreement with management. The legislature has enacted several statutes that allow political subdivisions to negotiate employment agreements with police officers. In 1973, the legislature enacted the Fire and Police Labor Relations Act, Chapter 174, Local Government Code, to create a structured bargaining process that could be adopted by public referendum. In 1993, 1995, and 1997, the legislature amended the Municipal Civil Service Act, Chapter 143, Local Government Code, to allow police associations in certain municipalities to meet and confer with employees over employment matters. S.B. 621 would create a statute to allow police officers employed by the HMTA to meet and confer, and to negotiate over wages and other employment conditions.

PURPOSE

As proposed, S.B. 621 allows police officers employed by the Houston Metropolitan Transportation Authority to negotiate over wages and conditions of employment.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 451, Transportation Code, by adding Section 451.1085, as follows:

Sec. 451.1085. PEACE OFFICER EMPLOYMENT MATTERS IN CERTAIN AUTHORITIES. Provides that this section applies to an authority in which the principal municipality has a population of more than 1.5 million. Defines "association" and "public employer." Prohibits an employer from being denied local control over wages, salaries, rates of pay, hours of work, other terms and conditions of employment, or other personnel issues on which the public employer and an association that is recognized as the sole and exclusive bargaining agent for all peace officers employed by the authority agree. Provides that a term or condition of employment on which the public employer and the association do not agree is governed by applicable statutes and local rules and regulations. Requires an agreement to be reduced to writing. Provides that this section does not require the public employer and the association to meet and confer or reach an agreement on any issue. Authorizes a public employer and an association recognized under this subchapter as a sole and exclusive bargaining agent to meet and confer only if the association does not advocate the illegal right to strike by public employees. Prohibits a peace officer of an authority from engaging in a strike or organized work stoppage against this state or a political subdivision of this state. Provides that a peace officer who participates in a strike forfeits all civil service rights, reemployment rights, and other rights, benefits, or privileges the peace officer enjoys as a result of the person's employment or previous employment with the authority. Provides that this subsection does not affect the right of a person to cease employment if the person is not acting in concert with peace officers. Authorizes the public employer to recognize an association that submits a petition signed by a majority of the paid peace officers of the authority, excluding the head of the department and assistant department heads in the rank or classification immediately below that of the department head, as the sole and exclusive bargaining agent for all of the covered peace officers, unless recognition of the association is withdrawn by a majority of the covered peace officers. Requires a question of whether an association is the majority representative of the covered peace officers to be resolved by a fair election conducted

according to procedures agreed on by the parties. Authorizes either party to request the American Arbitration Association to conduct the election and to certify the results, if the parties are unable to agree on election procedures. Provides that certification of the results of an election under this subsection resolves the question concerning representation. Requires the association to pay the costs of the election, except that if two or more associations seeking recognition as the bargaining agent submit petitions signed by a majority of the peace officers, the associations shall share equally the costs of the election. Requires the public employer's manager or chief executive or his designee to select a team to represent the public employer as its sole and exclusive bargaining agent for issues related to the employment of peace officers by the authority. Provides that an agreement made under this section is a public record for purposes of Chapter 552, Government Code. Provides that the agreement and any document prepared and used by the authority in connection with the agreement are available to the public under the open records law, Chapter 552, Government Code, only after the agreement is ratified by the authority's governing body. Provides that this section does not affect the application of Chapter 552C, Government Code, to a document prepared and used by the authority in connection with the agreement. Provides that a written agreement made under this section between a public employer and an association is binding on the public employer, the association, and peace officers covered by the agreement if the authority's governing body ratifies the agreement by a majority vote, and the applicable association ratifies the agreement by a majority vote of its members by secret ballot. Authorizes an agreement ratified as described by Subsection (j) to establish a procedure by which the parties agree to resolve disputes related to a right, duty, or obligation provided by the agreement, including binding arbitration on interpretation of the agreement. Provides that the district court of the judicial district in which the municipality in the authority with the largest population is located has full authority and jurisdiction on the application of either party aggrieved by an act or omission of the other party related to a right, duty, or obligation provided by a written agreement ratified as described by Subsection (j). Authorizes the court to issue proper restraining orders, temporary and permanent injunctions, or any other writ, order, or process, including a contempt order, that is appropriate to enforce the agreement. Provides that an agreement under this section supersedes a previous statute concerning wages, salaries, rates of pay, hours of work, or other terms and conditions of employment to the extent of any conflict with the statute. Provides that an agreement under this section preempts any contrary statute, executive order, local ordinance, or rule adopted by the state or a political subdivision or agent of the state, including a personnel board, a civil service commission, or a home-rule municipality. Prohibits an agreement under this section from diminishing or qualifying any right, benefit, or privilege of an employee under this chapter or other law, unless approved by a majority vote by secret ballot of the members of the association recognized as a sole and exclusive bargaining agent. Prohibits an agreement from interfering with the right of a member of a bargaining unit to pursue allegations of discrimination based on race, creed, color, national origin, religion, age, sex, or disability with the Commission on Human Rights or the Equal Employment Opportunity Commission or to pursue affirmative action litigation.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.