

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 961  
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As Filed

### **DIGEST**

Currently, Texas law limits local governments from adopting meet and confer agreements with representatives of law enforcement personnel, unless specifically authorized by law. S.B. 961 would allow meet and confer agreements involving employees of the sheriff's department, if the counties have less than one million people and have not adopted Chapter 174, Local Government Code.

### **PURPOSE**

As proposed, S.B. 961 allows meet and confer agreements between law enforcement personnel.

### **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 158B, Local Government Code, by adding Section 158.041, as follows:

Sec. 158.041. EMPLOYMENT MATTERS IN CERTAIN SHERIFF DEPARTMENTS. (a) Provides that this section does not apply to a county with a population of more than 1 million or to a county that has adopted Chapter 174, Local Government Code.

(b) Defines "association" and "public employer."

(c) Prohibits a county 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 and detention officers employed by the sheriff's department 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, local ordinances, and civil service rules. 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.

(d) Authorizes a public employer and an association recognized under this section 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.

(e) Prohibits a peace officer or detention officer of a sheriff's department from engaging in a strike or organized work stoppage against this state or a political subdivision of this state. Provides that a peace officer or detention officer who participates in a strike forfeits all civil services rights, reemployment rights, and other rights, benefits, or privileges the peace officer or detention officer enjoys as a result of the person's employment or previous employment with the sheriff's department. 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 or detention officers.

(f) Authorizes the public employer to recognize an association that submits a petition signed by a majority of the paid peace officers and detention officers of the sheriff's department, excluding exempt employees, as the sole and exclusive bargaining agent for all of the covered peace officers and detention officers unless recognition of the association is withdrawn by a majority of the covered peace officers and detention officers.

(g) Requires a question of whether an association is the majority representative of the covered peace officers and detention officers to be resolved by a fair election conducted according to procedures agreed on by the parties. Authorizes either party to request under 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 and detention officers, the associations shall share equally the costs of the election.

(h) Requires the public employer's 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 and detention officers by the sheriff's department.

(i) 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 sheriff's department 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 governing body of the county. Provides that this section does not affect the application of Subchapter C, Chapter 552, Government Code, to a document prepared and used by the sheriff's department in connection with the agreement.

(j) 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 and detention officers covered by the agreement if the county'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.

(k) 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.

(l) Provides that the district court of the judicial district in which the county 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 provided by this section. 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.

(m) 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.

(n) Provides that an agreement under this section preempts any contrary statute, executive order, local ordinance, or rule adopted by the state or political subdivision or agent of the state, including a personnel board, a civil service commission, or a county.

(o) 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.

(p) 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.

Effective date: upon passage.