

BILL ANALYSIS

Senate Research Center
78R10644 YDB-D

C.S.S.B. 1166
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Intergovernmental Relations
5/16/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, a county is not authorized to enter into an agreement with a bargaining committee that is the sole and exclusive bargaining agent for a group of public employees. C.S.S.B. 1166 authorizes a county with a population of less than one million that has not adopted Chapter 174, Local Government Code, to recognize a bargaining committee as a bargaining agent.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 158, Local Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. LOCAL CONTROL OF SHERIFF'S DEPARTMENT EMPLOYMENT MATTERS

Sec. 158.071. **APPLICABILITY.** (a) Provides that except as provided by Subsection (b), this subchapter applies only to a county in which Subchapter B has been adopted.

(b) Provides that this subchapter does not apply to a certain county.

Sec. 158.072. **DEFINITIONS.** Defines "bargaining committee" and "public employer."

Sec. 158.073. **GENERAL PROVISIONS RELATING TO AGREEMENTS AND RECOGNITION.** (a) Prohibits a county from being denied local control over the wages, salaries, rates of pay, hours of work, or other terms and conditions of employment, to the extent the public employer and the bargaining committee recognized as the sole and exclusive bargaining agent under Section 158.075 agree as provided by this subchapter. Provides that applicable statutes and applicable local orders, ordinances, and civil service rules and regulations apply to an issue not governed by the agreement.

(b) Requires an agreement under this subchapter to be written.

(c) Provides that this subchapter does not require either a public employer or a recognized bargaining committee to meet and confer on any issue or reach an agreement.

(d) Requires the public employer's chief executive officer or the chief executive officer's designee to select a group of persons 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.

(e) Authorizes the sheriff to designate as exempt from the application of an agreement under this subchapter persons described by Section 158.038(b) in the number prescribed by Section 158.038(b).

Sec. 158.074. STRIKES PROHIBITED. (a) Authorizes a public employer and the recognized bargaining committee to meet and confer only if the bargaining committee and any employee organization composed primarily of peace officers and detention officers of a sheriff's department do not advocate the illegal right to strike by public employees.

(b) 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.

(c) Provides that a peace officer or detention officer who participates in a strike forfeits any civil service rights, reemployment rights, and other rights, benefits, or privileges the peace officer or detention officer may have as a result of the person's employment or prior employment with the sheriff's department.

(d) Provides that this section does not affect the right of a person to cease work if the person is not acting in concert with others in an organized work stoppage.

Sec. 158.075. RECOGNITION OF PEACE OFFICERS AND DETENTION OFFICERS BARGAINING COMMITTEE. (a) Requires the public employer, in a county that chooses to meet and confer under this subchapter, to recognize a bargaining committee submitting a petition for recognition signed by a majority of the peace officers and detention officers employed by the sheriff's department, excluding the sheriff and persons the sheriff has designated as exempt under Section 158.073(e), as the sole and exclusive bargaining agent for all of the peace officers and detention officers employed by the sheriff's department, excluding the sheriff and persons the sheriff has designated as exempt under Section 158.073(e), until recognition of the bargaining committee is withdrawn by a majority of the peace officers and detention officers eligible to sign a petition for recognition.

(b) Requires the question of whether a bargaining committee represents a majority of the covered peace officers and detention officers to be resolved by a fair election conducted according to procedures agreeable to the parties.

(c) Authorizes either party, if the parties are unable to agree on election procedures, to request the American Arbitration Association to conduct the election and to certify the results. Provides that certification of the results of an election under this subsection resolves the question concerning representation.

(d) Provides that the bargaining committee is liable for the expenses of an election under this section. Requires the committees, if two or more committees seeking recognition as the sole and exclusive bargaining agent submit petitions signed by a majority of the peace officers and detention officers eligible to sign the petition, to share equally the costs of the election.

Sec. 158.076. OPEN RECORDS. (a) Provides that a proposed agreement and a document prepared and used by the sheriff's department in connection with the proposed agreement are available to the public under Chapter 552, Government Code, only after the agreement is ratified by the commissioners court.

(b) 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.

Sec. 158.077. RATIFICATION AND ENFORCEABILITY OF AGREEMENT. (a) Provides that an agreement under this subchapter is enforceable and binding on the public employer, the recognized bargaining committee, and peace officers and detention officers covered by the agreement only if certain conditions exist.

(b) Authorizes an agreement ratified as described by Subsection (a) 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 a question involving interpretation of the agreement.

(c) Provides that a state district court of a judicial district in which the county is located has jurisdiction to hear and resolve a dispute under the ratified agreement on the application of a party to the agreement 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 the agreement. Authorizes the court to issue proper restraining orders, temporary and permanent injunctions, or any other writ, order, or process, including contempt orders, as appropriate to enforce the agreement.

Sec. 158.078. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS. (a) Provides that a written agreement ratified under this subchapter preempts, during the term of the agreement, and to the extent of any conflict, all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules adopted by the sheriff or county or a division or agent of the sheriff or county, such as a personnel board or a civil service commission.

(b) Prohibits an agreement ratified under this subchapter from interfering with the right of a member of an employee organization 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 federal Equal Employment Opportunity Commission or to pursue affirmative action litigation.

SECTION 2. Effective date: September 1, 2003.