

BILL ANALYSIS

Senate Research Center

S.B. 1968
By: Huffman
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While Texans cannot be forced into joining a union by law, state right-to-work laws allow for private and public employees, if they find value in joining these organizations, to choose union membership. S.B. 1968 by Senator Huffman does not inhibit Texans from joining a union nor expressing themselves under the First Amendment of the Constitution of the United States. S.B. 1968 protects employers from picketing when the employer's entity is not involved in a labor dispute, keeps state resources from funding political campaigns, and protects non-union employers from union representatives intimidating their employees during a mandatory federal inspection. Members of unions were already prohibited under current law from entering onto non-union sites. S.B. 1968 clarifies that an inspection of the premises specifically falls under this prohibition unless the owner consents. Previous laws that allowed payroll deductions straight out of a public employee's paycheck for a union are narrowed under S.B. 1968 to apply only to fire, police, and emergency medical services employees. State, county, and municipal employees are prohibited from directly collecting union dues from employee paychecks with exceptions for state, county, and municipal fire, police, and emergency medical services. Picketing at an employer's premises with whom a labor dispute did not exist was already prohibited. However, S.B. 1968 clarifies this prohibition exists "regardless of whether the premises are ... occupied by employees of another employer with whom a labor dispute does exist."

As proposed, S.B. 1968 amends current law relating to the organization of public employees.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the comptroller of public accounts of the State of Texas is modified in SECTION 1 (Section 403.0165, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 403.0165, Government Code, as follows:

Sec. 403.0165. PAYROLL DEDUCTION FOR STATE EMPLOYEE ORGANIZATION. (a) Makes a nonsubstantive change. Authorizes a covered employee of a state agency as defined by Subsection (l) to authorize a transfer each pay period from the employee's salary or wage payment for a membership fee in an eligible state employee organization. Requires that the authorization remain in effect until the covered employee authorizes a change in the authorization.

(b) Requires the comptroller of public account of the State of Texas to adopt rules for transfers by covered employees to a certified eligible state employee organization. Provides that the rules may authorize electronic transfers of amounts deducted from covered employees' salaries and wages under this section.

(c) Provides that participation by covered employees of state agencies in the payroll deduction program authorized by this section is voluntary.

(d)-(k) Makes no change to these subsections.

(l) Defines "covered employee of state agency" for purpose of this section.

SECTION 2. Amends the heading to Chapter 617, Government Code, to read as follows:

CHAPTER 617. COLLECTIVE BARGAINING, STRIKES, AND PAYROLL DEDUCTIONS

SECTION 3. Amends Chapter 617, Government Code, by adding Section 617.006, as follows:

Sec. 617.006. PROHIBITION ON COLLECTION OF LABOR ORGANIZATION DUES. Prohibits the state or a political subdivision of the state, except as provided by Sections 141.008 (Payroll Deductions in Certain Municipalities) and 155.001 (Deductions Authorized in Counties; Purposes), Local Government Code, and Sections 403.0165 (Payroll Deductions for State Employee Organization) and 659.1031 (Deductions of Membership Fees for Eligible State Employee Organizations), Government Code, from deducting or withholding, or contracting to deduct or withhold, from an employee's salary or wages payment of dues or membership fees to a labor organization or other similar entity, including a trade union, labor union, employees' association, or professional organization.

SECTION 4. Amends Section 659.1031(a), Government Code, to authorize an employee of a state agency employed in a professional law enforcement capacity to authorize in writing a deduction each pay period from the employee's salary or wage payment for payment to an eligible state employee organization of a membership fee in the organization.

SECTION 5. Amends Section 101.002(b), Labor Code, to prohibit a member of a trade union or other organization acting in any capacity, including as otherwise authorized under other law to perform an inspection of the premises, from entering the premises of another without the consent of the owner of the premises.

SECTION 6. Amends Section 101.201(a), Labor Code, to prohibit a person from establishing, calling, participating in, or aiding picketing or near the premises of an employer with whom a labor dispute does not exist, regardless of whether the premises are temporarily or permanently occupied by the employees of another employer with whom a labor dispute does exist.

SECTION 7. Amends Section 141.008, Local Government Code, as follows:

Sec. 141.008. New heading: PAYROLL DEDUCTIONS FOR CERTAIN MUNICIPAL FIRE AND POLICE DEPARTMENT MEMBERS AND EMERGENCY MEDICAL SERVICES PERSONNEL. (a) Authorizes the governing body of a municipality with a population of more than 10,000 to deduct from the monthly salary or wages of a member of the municipality's fire or police department or emergency medical services personnel an amount requested in writing by the member in payment of the member's dues to a bona fide employees' association named by the member, rather than authorizing the governing body of a municipality with a population of more than 10,000 to deduct from a municipal employee's monthly salary or wages an amount requested in writing by the employee in payment of the membership dues to a bona fide employee's association named by the employee.

(b) Requires the governing body to make the payroll deduction described by Subsection (a) if requested in writing by a member of the municipality's fire department or emergency medical services personnel, as defined by Section 773.003 (Definitions), Health and Safety Code, rather than if requested in writing by employees who are fire protection personnel as defined by Section 419.021 (Definitions), Government Code, if the municipality receives revenue from the state, and if the municipality permits deductions for purposes other than charity, health insurance, taxes, or other purposes for which the municipality is required by law to permit a deduction.

(c) Requires the governing body to make the payroll deduction described by Subsection (a) if:

(1) requested in writing by members of the municipality's police department who are not members of a police department covered by a collective bargaining agreement or meet-and-confer agreement entered into under this code; and

(2) Makes no change to this subdivision.

Deletes existing text requiring the governing body to make the payroll deduction described by Subsection (a) if requested in writing by employees who are peace officers as defined by Article 2.12, Code of Criminal Procedure.

(d) Provides that participation in the payroll deduction program by a municipal fire or police department member or emergency medical services provider, rather than by a municipal employee, who is on active full-time duty is voluntary.

(e) Requires that a written request under Subsection (b) or (c) state certain information.

(f) Authorizes the governing body of a municipality having a program under this section to impose and collect an administrative fee from each participating fire or police department member or emergency medical services provider, rather than from each participating employee, in addition to the membership dues that are withheld.

(g) Provides that a request under this section remains in effect until the municipal treasurer or comptroller receives a written notice of revocation in a form prescribed and provided by the treasurer or comptroller and filed by the fire or police department member or emergency medical services provider, rather than riled by the employee.

Redesignates and deletes certain subsections as appropriate.

SECTION 8. Amends Section 146.002(2), Local Government Code, to redefine "employee association."

SECTION 9. Amends Section 146.003, Local Government Code, by adding Subsection (e), to provide that this chapter does not authorize an agreement for deducting or withholding payment of dues, fees, or contributions to a labor organization or other similar entity, including a trade union, labor union, employees' association, or professional organization in violation of Section 617.006, Government Code.

SECTION 10. Amends Section 146.017, Local Government Code, as follows:

Sec. 146.017. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS. (a) Creates this subsection from existing text. Provides that, except as provided by Subsection (b), a written meet and confer agreement ratified under this chapter 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 this state or a political subdivision or agent of this state, including a personnel board, civil service commission, or home-rule municipality, other than a statute, ordinance, executive order, civil service provision, or rule regarding pensions or pension-related matters.

(b) Prohibits a written meet and confer agreement ratified under this chapter from conflicting with or preempting Section 617.006, Government Code.

SECTION 11. Amends Section 155.001(a), Local Government Code, as follows:

(a) Authorizes the commissioners court, on the request of a county employee, to authorize a payroll deduction to be made from the employee's wages or salary for:

(1) Makes no change to this subdivision;

(2) payment of membership dues in a labor union or a bona fide employees association if the requesting employee serves in a professional law enforcement or firefighting capacity, or serves in a capacity that meets the definition of "emergency medical services personnel" as that term is defined by Section 773.003, Health and Safety Code;

(3) and (4) Makes no change to these subdivisions;

(5) payment relating to an item not listed in this subsection if the commissioners court determines that the payment serves a public purpose, unless the deduction would violate another law, including Section 617.006, Government Code, prohibiting the deduction of labor organization dues.

SECTION 12. Repealer: Section 22.001 (Salary Deductions for Professional Dues), Education Code.

SECTION 13. Provides that the changes in law made by this Act to Chapter 146 (Local Control of Municipal Employment Matters in Certain Municipalities), Local Government Code:

(1) do not affect the validity of a meet and confer agreement entered into under that chapter before the effective date of this Act; and

(2) apply to a meet and confer agreement entered into, proposed to be entered into, proposed to be renewed, or renewed on or after the effective date of this Act.

SECTION 14. Effective date: September 1, 2015.