

BILL ANALYSIS

Senate Research Center
80R16044 KSD-F

H.B. 866
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is no statute that grants the City of Dallas the ability to meet and confer with the police officers it employs. The City of Dallas is one of the last major metropolitan areas in this state that has not been granted the ability to meet and confer with their police officers. The meet and confer process has encouraged a new, positive working relationship between the administration of a police department and its employees in other cities.

As proposed, H.B. 866 authorizes the City of Dallas to meet and confer with the municipality's police officers and firefighters.

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 Subtitle A, Title 5, Local Government Code, by adding Chapter 147, as follows:

CHAPTER 147. LOCAL CONTROL OF FIREFIGHTER AND POLICE OFFICER EMPLOYMENT MATTERS IN CERTAIN MUNICIPALITIES WITH POPULATION OF ONE MILLION OR MORE

Sec. 147.001. APPLICABILITY. Provides that this chapter applies only to a municipality with a population of one million or more, but does not apply to a municipality that has adopted Chapter 143 (Municipal Civil Service for Firefighters and Police Officers) or Chapter 174 (Fire and Police Employee Relations).

Sec. 147.002. DEFINITIONS. Defines "firefighter," "firefighter employee group," "police officer," and "police officer employee group."

Sec. 147.003. MEET AND CONFER TEAM; NEGOTIATIONS. (a) Creates a meet and confer team (team) under this section and sets forth the composition and duties of the team.

(b) Requires the team to negotiate with the municipality in an effort to reach an agreement on concerns shared by the firefighters and police officers regarding terms of employment, including concerns relating to wages, benefits, and other working conditions but excluding concerns relating to pensions. Provides that only the team is authorized to represent the firefighters or police officers, except that the team is authorized to be accompanied by legal counsel.

(c) Authorizes certain concerns to be discussed by individual firefighter and police officer associations independent of the team.

(d) Provides the manner by which expenses associated with the team must be divided.

(e) Authorizes a municipality to designate one or more persons to meet and confer on the municipality's behalf.

Sec. 147.004. GENERAL PROVISIONS RELATING TO AGREEMENTS, RECOGNITION, AND STRIKES. (a) Prohibits a municipality from being denied local control over certain issues if the municipality and the team come to a mutual agreement on any of the terms of employment. Provides that if an agreement is not rendered, the state laws, local ordinances, and civil service roles remain unaffected. Requires all agreements to be written. Provides that nothing in this chapter requires either party to meet and confer on any issue or reach an agreement.

(b) Authorizes a municipality to meet and confer only if the team does not advocate the illegal right to strike by public employees.

(c) Prohibits firefighters and police officers of a municipality from engaging in strikes against this state or a political subdivision of this state. Provides that certain rights, benefits, and privileges the firefighter or police officer enjoys as a result of employment or prior employment are forfeited if they participate in a strike.

(d) Defines "strike." Provides that this section does not prohibit a firefighter or police officer from conferring with members of the municipal governing body about certain aspects of employment.

Sec. 147.005. PAYROLL DUES DEDUCTIONS. Prohibits the municipality from preventing automatic payroll deductions for dues paid to a firefighter employee group or police officer employee group.

Sec. 147.006. RECORDS AND MEETINGS. (a) Provides that an agreement under this chapter is public information for purposes of Chapter 552 (Public Information), Government Code. Provides that the agreement and any document prepared and used by a municipality in connection with the agreement, other than certain documents privileged by law, are public information only after the agreement is ratified by both parties.

(b) Provides that a meeting between the team and any persons designated to meet and confer on the municipality's behalf is not subject to Chapter 551 (Open Meetings), Government Code.

(c) Provides that this section does not affect the application of Subchapter C (Information Excepted From Required Disclosure), Chapter 552, Government Code, to a document prepared and used by the municipality in connection with the agreement.

Sec. 147.007. ENFORCEABILITY OF AGREEMENT. (a) Provides that a written agreement made under this chapter between a municipality and the team is enforceable and binding for certain persons and entities if the agreement is ratified by a majority vote of the municipality's governing body and under Section 147.008.

(b) Provides that when a party is aggrieved in a certain manner in relation to a written agreement ratified as required by this chapter, full authority and jurisdiction is held by a state district court of the judicial district in which a majority of the population of the municipality is located. Authorizes the court to issue proper restraining orders, temporary and permanent injunctions, and any other writ, order, or process, including contempt orders, that are appropriate to enforcing any written agreement ratified as required by this chapter.

Sec. 147.008. ELECTION TO RATIFY AGREEMENT. Requires the team to call an election to ratify any agreement reached with the municipality if it has been approved by five-sevenths of the members of the team. Establishes that all firefighters and police officers of the municipality are eligible to vote in the election. Authorizes an agreement to be ratified if 65 percent of the votes cast favor the ratification. Authorizes a firefighter

or police officer who is not a member of the respective employee group to be assessed a fee for any cost associated with casting a vote. Requires the team to establish procedures for the election by unanimous consensus.

SECTION 2. Effective date: September 1, 2007.