

BILL ANALYSIS

Senate Research Center
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S.B. 94
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Even though Texas is a "right-to-work" state, public employees may currently authorize one or more monthly deductions from their salary or wages to pay membership fees to eligible employee organizations, which may include an association, union, or other organization that advocates the interests of employees. Texas is now one of only a handful of states that still collects union dues from the paychecks of its public employees. There is nothing wrong with public or private sector employees voluntarily joining unions to engage in collective bargaining and discuss employment. However, most states have chosen to eliminate the practice of collecting dues from the paychecks of public employees largely in part because the government should have no official role in the affairs of trade unions, labor unions, employees' associations, or professional associations. Texas Republican voters also agreed with this sentiment during the 2016 Republican primary election; a resounding 82.95 percent, or 2,126, 533, Republican voters voted to prohibit governmental entities from collecting dues for labor unions through deductions from public employee paychecks.

S.B. 13 does not prohibit any public employee from forming or joining a trade union, labor union, employees' association, or professional association; nor expressing themselves under the First Amendment.

Under S.B. 1394, state, county, and municipal employers are prohibited from directly collecting union dues from employee paychecks with exceptions for state, county, and municipal fire, police, and emergency medical services employees. The purpose of the bill is to remove the government, who in this case is the employer, from its current role as a middle-man between employees and their unions or associations.

As proposed, S.B. 94 amends current law relating to payroll deductions for state and local government employee organizations.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas comptroller of public accounts is modified in SECTION 3 (Section 403.0165, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.001(a), Education Code, to provide that a school district employee who is employed in a professional law enforcement capacity is entitled, rather than a school district employee is entitled, to have an amount deducted from the employee's salary for membership fees or dues to a professional organization.

SECTION 2. Amends the heading to Section 403.0165, Government Code, to read as follows:

Sec. 403.0165. PAYROLL DEDUCTION FOR STATE EMPLOYEE ORGANIZATION: CERTAIN FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL.

SECTION 3. Amends Sections 403.0165(a), (b), (c), and (d), Government Code, as follows:

(a) Authorizes a covered employee, rather than an employee, of a state agency 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 employee authorizes a change in the authorization. Makes a nonsubstantive change.

(b) through (d) Makes conforming changes.

SECTION 4. Amends Section 403.0165(1), Government Code, by adding Subdivision (3) to define "covered employee of a state agency."

SECTION 5. Amends Subtitle A, Title 6, Government Code, by adding Chapter 620, as follows:

**CHAPTER 620. PAYROLL DEDUCTIONS FOR LABOR ORGANIZATIONS AND
SIMILAR ENTITIES**

Sec. 620.001. DEFINITION. Defines "labor organization."

Sec. 620.002. PROHIBITION ON COLLECTION OF LABOR ORGANIZATION DUES. Prohibits the state or a political subdivision of the state, except as provided by Section 620.003, 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.

Sec. 620.003. EXCEPTIONS. Provides that Section 620.002 does not apply to deductions or withholdings by certain entities.

Sec. 620.004. CHARITABLE DEDUCTIONS NOT AFFECTED. Provides that Section 620.002 does not affect the ability of the state or a political subdivision of the state to deduct or withhold from an employee's salary or wages an amount for donation to a charitable organization determined to be eligible for participation in the state employee charitable campaign under Subchapter I (Charitable Contributions), Chapter 659 (Compensation).

SECTION 6. Amends Section 659.1031(a), Government Code, to authorize an employee of a state agency employed in a professional law enforcement capacity, rather than an employee of a state agency, 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 7. Amends the heading to Section 141.008, Local Government Code, to read as follows:

**Sec. 141.008. PAYROLL DEDUCTIONS FOR CERTAIN MUNICIPAL
FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES
PERSONNEL.**

SECTION 8. Amends Section 141.008, Local Government Code, by amending Subsections (a), (a-1), and (a-2) and adding Subsection (a-3), as follows:

(a) Provides that this section applies only to a municipal employee who meets certain criteria.

(a-1) Creates this subsection from existing text and makes no further changes to this subsection.

(a-2) Requires the governing body to make the payroll deduction described by Subsection (a-1), rather than Subsection (a) (relating to authorizing the governing body of a certain municipality to make certain deductions from a municipal employee's monthly salary), if

requested in writing by an employee who is a member of the municipality's fire department or emergency medical services personnel if the municipality meets certain criteria, rather than employees who are fire protection personnel as defined by Section 419.021, Government Code. Redesignates existing Subsection (a-1) as Subsection (a-2). Makes nonsubstantive changes.

(a-3) Redesignates existing Subsection (a-2) as Subsection (a-3). Requires the governing body of a municipality whose police department is not covered by a collective bargaining agreement or meet and confer agreement entered into under this code to make the payroll deduction described by Subsection (a-1), rather than Subsection (a), if:

(1) requested in writing by an employee who is a member of the municipality's police department, rather than employees who are peace officers as defined by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, and 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) the municipality permits deductions for certain purposes.

SECTION 9. Amends Section 146.002(2), Local Government Code, to redefine "employee association."

SECTION 10. Amends Section 146.003, Local Government Code, by adding Subsection (e), to provide that this chapter (Local Control of Municipal Employment Matters in Certain Municipalities) 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 620.002, Government Code.

SECTION 11. Amends Section 146.017, Local Government Code, as follows:

(a) Creates this subsection from existing text and creates an exception under Subsection (b).

(b) Prohibits a written meet and confer agreement ratified under this chapter from conflicting with or preempting Section 620.002, Government Code.

SECTION 12. 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 changes 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 in a capacity that meets the definition of "emergency medical services personnel," as that term is defined by Section 773.003 (Definitions), Health and Safety Code;

(3) and (4) makes no changes to these subdivisions; or

(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 620.002, Government Code.

SECTION 13. Effective date: December 1, 2017.