

BILL ANALYSIS

Senate Research Center
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H.B. 2972
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

The Houston Police Department does not currently have the ability to replace a bargaining agent should a majority of its police officers choose to do so. H.B. 2972 provides for the election and recognition of a police officer bargaining group in a municipality with a population of 1.5 million or more upon petition by the police officers.

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 Sections 143.352(1) and (2), Local Government Code, to define “bargaining agent” and redefine “police employee group.”

SECTION 2. Amends Sections 143.353(a) and (b), Local Government Code, to delete references to “majority.”

SECTION 3. Amends Section 143.354, Local Government Code, as follows:

Sec. 143.354. New heading: RECOGNITION OF POLICE EMPLOYEE GROUP. (a) Authorizes the public employer in accordance with this section to recognize a police employee group as the sole and exclusive bargaining agent for all of the police officers in the municipality, excluding the department head and assistant department heads, unless recognition of the police employee group is withdrawn by a majority of those police officers, if the employee group submits a petition signed by 40 percent of certain persons.

(b) Requires a petition submitted under Subsection (a) to clearly show on each page the name of the police employee group circulating the petition. Prohibits a police officer who signs a petition submitted under Subsection (a) from being counted towards the 40 percent requirement under that subsection unless that officer's printed name and payroll number and the date of the signature are included on the petition. Requires the petition to be submitted to the municipal secretary not later than the 60th day after the first date on which a police officer signs the petition.

(c) Requires the municipal secretary, within the 30 days after the date the petition is submitted, to verify the signatures on the petition and, if the petition complies with this section, call for the election. Requires the election to be conducted within 45 days after the date on which the municipal secretary calls for the election.

(d) Requires an election required by this section to be conducted according to procedures agreed on by the parties. Provides that if the parties are unable to agree on election procedures, either party is authorized 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. Requires the police employee group to pay the costs of the election, except that if two or more police employee groups seeking recognition as the bargaining agent submit petitions signed by a majority of the police officers eligible to sign the petition, the police employee groups to share equally the costs of the election. Requires a police employee group to make payments required by this subsection not later than the 10th day before the date of the election.

(e) Requires the public employer's chief executive officer to designate a team to represent the public employer as its sole and exclusive bargaining agent for issues related to the police department. Deletes text regarding the selection of majority bargaining agent.

SECTION 4. Amends Section 143.357, Local Government Code, to make conforming changes.

SECTION 5. Amends Section 143.358, Local Government Code, to make a conforming change.

SECTION 6. Amends Section 143.359(a), Local Government Code, to delete text regarding approval by the bargaining team. Makes conforming changes.

SECTION 7. Amends Section 143.360, Local Government Code, to read as follows:

Sec. 143.360. (a) Deletes text regarding a bargaining team. Makes a conforming change.

(b) Provides that all police officers of the municipality, other than the department head and assistant department heads, are eligible to vote in the election.

(c) Requires the bargaining agent, rather than team, to establish procedures for the election. Deletes the requirement that the procedures be established by unanimous consensus.

(d) Deletes text regarding the bargaining team being unable to agree on election procedures. Redesignates Subsection (e) as Subsection (d) with no changes.

SECTION 8. Amends Sections 143.361(a) and (c), Local Government Code, to make conforming changes.

SECTION 9. Amends Section 143.362, Local Government Code, to make conforming changes.

SECTION 10. Amends Section 143.363(a), Local Government Code, to make a conforming change.

SECTION 11. Repealer: Sections 143.355 (Election of Majority Bargaining Agent) and 143.356 (Bargaining Team; Negotiations), Local Government Code.

SECTION 12. (a) Effective date: September 1, 2001.

(b) Provides that the change in law made by this Act does not affect the validity of an election held, agreement made, or action taken under Chapter 143J, Local Government Code, before the effective date of this Act.

(c) Provides that a police employee group that is a majority bargaining agent as defined by Section 143.352, Local Government Code, immediately before the effective date of this Act becomes the bargaining agent for the purposes of Section 143.352, Local Government Code, as amended by this Act, on the effective date of this Act, and is

considered the recognized sole and exclusive bargaining agent under Section 143.354, Local Government Code, as amended by this Act, until another sole and exclusive bargaining agent is recognized in accordance with Section 143.354.