

Collective Bargaining for Municipal Texas Peace Officers

In 1973, the Texas Legislature sought to ensure that police and firefighters receive compensation and working conditions comparable to private sector employees. For this reason, during the 63rd Legislative Session, HB 185 was passed allowing for voters in municipalities to allow their police to participate in collective bargaining.

While collective bargaining is often associated with strikes and big union tactics, the act was specifically created to give public safety employees a say in their pay, benefits, and working conditions, while expressly prohibiting strikes, lockouts, and other tactics which would put public safety at risk.

Competition and Local Control:

Municipal and county governments who hire peace officers must compete with the private sector for the best and the brightest candidates. While they may not be able to compete dollar for dollar, by giving public safety employees a say in their working conditions and pay, local governments are able to increase recruitment and retention.

Collective bargaining can only be granted or taken away by the citizens of a county or municipality. They must first petition their government for the initiative to be placed on the ballot, and then the initiative must be passed by a majority of voters.

Bargaining Process:

Where a bargaining agreement is in place, there are only two requirements. The first is that both parties must sit together and negotiate for sixty days. The second is that each party must negotiate in good faith to reach an agreement.

Neither party is required to make a concession or accept a proposal. If the parties cannot come to an agreement, they may choose to enter mediation, but they are not required to. If the parties voluntarily choose to enter mediation, nothing is considered binding unless both parties agreed to make it so beforehand. Unless there is an evergreen provision within the agreement, the bargaining agreement becomes null and void upon its expiration.

Summary:

Collective Bargaining for first responders can only take place in a county or city where the citizens have voted to give them this process.

The adoption of these statutes only requires a political subdivision to negotiate for sixty days with the employees' representative, and that both parties negotiate in good faith. There is no requirement to come to an agreement.

The sole reason for such agreements is to ensure that first responders receive pay, benefits and working conditions on par with private sector employees to improve retention of professional first responders, and help in recruiting the best and brightest candidates for service to their community.