

By: Gervin-Hawkins

H.B. No. 11

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the appeal to a civil service commission of a
3 disciplinary suspension of a fire fighter or police officer in
4 certain municipalities.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 143.053(e) and (f), Local Government
7 Code, are amended to read as follows:

8 (e) In its decision, the commission shall state whether the
9 department head's original written statement and charges are
10 supported by substantial evidence in the record. If the commission
11 states in its decision that the department head's statement and
12 charges are not supported by substantial evidence in the record,
13 the suspended fire fighter or police officer shall be ~~is:~~

14 ~~[(1) permanently dismissed from the fire or police~~
15 ~~department,~~

16 ~~[(2) temporarily suspended from the department, or~~

17 ~~[(3)] restored to the person's former position or status~~
18 in the department's classified service. If the commission states in
19 its decision that the department head's statement and charges are
20 supported by substantial evidence in the record, the commission
21 shall affirm the suspension.

22 (f) ~~[If the commission finds that the period of disciplinary~~
23 ~~suspension should be reduced, the commission may order a reduction~~
24 ~~in the period of suspension.]~~ If the suspended fire fighter or

1 police officer is restored to the position or class of service from
2 which the person was suspended, the fire fighter or police officer
3 is entitled to:

4 (1) full compensation for the actual time lost as a
5 result of the suspension at the rate of pay provided for the
6 position or class of service from which the person was suspended;
7 and

8 (2) restoration of or credit for any other benefits
9 lost as a result of the suspension, including sick leave, vacation
10 leave, and service credit in a retirement system. Standard payroll
11 deductions, if any, for retirement and other benefits restored
12 shall be made from the compensation paid, and the municipality
13 shall make its standard corresponding contributions, if any, to the
14 retirement system or other applicable benefit systems.

15 SECTION 2. Section [143.053\(g\)](#), Local Government Code, is
16 repealed.

17 SECTION 3. The changes in law made by this Act apply only to
18 a disciplinary action for conduct that occurs on or after the
19 effective date of this Act. Conduct that occurs before that date is
20 governed by the law in effect immediately before that date, and the
21 former law is continued in effect for that purpose.

22 SECTION 4. This Act takes effect on the 91st day after the
23 last day of the legislative session.