

By: Burnam

H.B. No. 3391

A BILL TO BE ENTITLED

AN ACT

relating to civil service for city marshals of certain cities.

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

SECTION 1. Chapter 143, Local Government Code, is amended by adding Sec. 143.021 to read as follows:

Sec. 143.021. MUNICIPAL MARSHAL'S CIVIL SERVICE ACT. (a) This section shall only apply to municipalities with a population between 500,000 and 550,000.

(b) A peace officer employed by a municipal department in which the peace officer performs duties in a specialized police division, including a person employed as a municipal marshal, is entitled to civil service status under this chapter. The governing body of the municipality employing a peace officer in a specialized police division shall classify the officer in accordance with Section 143.021 and the duties performed by the peace officer.

(c) Except for positions classified in the communication or technical class, the governing body of the municipality employing a peace officer in a specialized police division shall classify a position in the division in the same class as a police officer position that is not in a specialized police division. A member of a particular division is eligible for promotion or lateral crossover to a position outside that division. The head of the police department, assistant chiefs of police, and deputy chiefs of police, or their equivalent, regardless of name or title, may

1 exercise the full sanctions, powers, and duties of their respective
2 offices in the supervision, management, and control of the members
3 of those classes and divisions, subject to the decisions of the
4 department head regarding the chain of command in the department.

5 (d) In departments in which a collective bargaining
6 agreement or a meet-and-confer agreement exists, Subsection (c)
7 must be approved by the collective bargaining agent,
8 meet-and-confer agent, or entity representing the sworn officers of
9 the department. This subsection does not apply to the transfer of
10 police officers.

11 (e) Each applicable provision of this chapter, including
12 the provisions relating to eligibility lists, examinations,
13 promotions, appointments, educational incentive pay, longevity or
14 seniority pay, certification pay, assignment pay, salary, vacation
15 leave, and disciplinary appeals, applies to a peace officer
16 employed by the municipality in a specialized police division as
17 provided by this section.

18 (f) Each municipal marshal who has been in the service of
19 the municipality for more than six months at the time this chapter
20 is adopted and who is entitled to civil service classification has
21 the status of a civil service employee and is not required to take a
22 competitive examination to remain in the position the person
23 occupies at the time of the adoption.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2003.