

## **BILL ANALYSIS**

Senate Research Center  
79R661 KSD-F

H.B. 263  
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Intergovernmental Relations  
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Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Chapter 143, Local Government Code, authorizes a municipality to elect to have a civil service system. One of the requirements under Chapter 143 is that all employees performing certain duties in a fire department be civil service employees.

The City of Plano has a civil service system under Chapter 143, but has hired "auxiliary" personnel in the fire department to provide program functions, including fire prevention and education.

H.B. 263 authorizes these current auxiliary employees to keep their jobs without having to take the civil service examination. It also allows all previously non-classified fire department employees to have the status of a civil service employee if they began that job before May 1, 2005. The bill prohibits any employee granted civil service status under this Act from being promoted unless that employee passes the civil service examination.

### **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 Subchapter A, Chapter 143, Local Government Code, by adding Section 143.0051, as follows:

Sec. 143.0051. STATUS OF EMPLOYEES IN CERTAIN FIRE DEPARTMENTS. (a) Provides that this section applies only to a fire department employee employed by a municipality with a population of 220,000 or more. Provides that this section does not apply to a fire department employee employed by a municipality: that has adopted Chapter 174 (Fire and Police Employee Relations); or to which Subchapter H (Local Control of Fire Fighter Employment Matters in Municipalities with Population of 1.5 Million or More) or Subchapter I (Fire Fighter and Police Officer Employment Matter in Certain Municipalities) applies.

(b) Provides that, notwithstanding any other provision of this chapter, a previously non-classified fire department employee who serves in a certain position has the status of a civil service employee and is not required to take a competitive examination to remain in the employee's position if certain conditions are met.

(c) Provides that the civil service status of an employee to which Subsection (b) applies is effective on a certain date.

(d) Requires a fire department employee who has civil service status under Subsection (b) to be promoted only: by competitive examination in accordance with the competitive civil service procedures prescribed in this chapter; and within the employee's existing division.

(e) Prohibits a fire department employee who has civil service status under Subsection (b) from: supervising or evaluating classified civil service personnel

assigned to fire suppression or emergency medical operations; or laterally transferring to fire suppression or emergency medical operations.

(f) Requires, if a fire department employee who has civil service status under Subsection (b) leaves the employee's position for any reason, a person selected to fill that position to be selected in accordance with the competitive civil service procedures prescribed in this chapter.

SECTION 2. Effective date: upon passage or September 1, 2005.