

BILL ANALYSIS

C.S.H.B. 2173
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Unless a municipality has adopted The Fire and Police Employee Relations Act, certain provisions in Chapter 143, Local Government Code, prescribes procedures for conducting a promotional system for municipal civil service fire fighters. The act is vague in determining the persons total grade after applying the persons seniority points to the written examination grade. Most municipalities award seniority points to only those persons who have passed the examination (70%). However, a handful of cities apply the points even if the person does not pass the examination. In addition, the Act is unclear when the date a vacancy occurs in a non-entry level position and how a fire fighter or police officer appeals a promotional passover.

C.S.H.B. 2173 will clarify that the award of seniority points after a fire fighter takes a promotional examination is made only if the fire fighter scores a 70% or above, and will establish that a vacancy occurs in a non-entry level position on the date the person resigns, retires, dies, is promoted to a higher classification or is indefinitely suspended. Finally, the bill will make clear the appeal options that a fire fighter has when appealing a promotional passover.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends Section 143.033(c), Local Government Code, to clarify that seniority points are awarded only if the fire fighter scores a passing grade of 70 or above on the written examination.

The bill establishes that a vacancy in a position described by Section 143.036 or Section 143.108, Local Government Code, occurs on the date the position is vacated due to resignation, retirement, death, promotion or the issuance of an indefinite suspension pursuant to Section 143.052(b).

Finally, the bill establishes that a fire fighter who is bypassed for a promotional appointment must be provided with a copy of the reasoning for bypassing the fire fighter in writing and that the person may appeal the passover to either an independent third party hearing examiner or the local civil service commission.

The changes in law are not retroactive.

EFFECTIVE DATE

This Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original version of the bill made the same changes to law in the substitute as applied to police. The substitute removes any change to law as it applies to procedures relating to police.