

BILL ANALYSIS

Senate Research Center
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S.B. 118
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Chapter 143, Local Government Code, requires that all employees performing certain civil duties in a fire departments be civil service employees. If a city elects to have a civil service system under Chapter 143, the city must comply with several requirements, including the requirement that a municipality can only fill certain positions with civil service employees.

Plano, Texas, which has elected to be a civil service system, under Chapter 143, has hired "auxiliary" personnel in the fire department to provide program functions, including fire prevention and education.

As proposed, S.B. 118 allows these "auxiliary" employees to keep their jobs without having to take the civil service examination. It allows all previously non-classified fire department employees to have the status of civil service employees if they began that job before May 1, 2005. Employees who obtain civil service status through this "grandfathering" law cannot be promoted unless they take the 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 fire department employees employed by certain types of municipalities.

(b) Sets forth certain fire department employees who have the status of civil service employees and who are not required to take a competitive exam to remain in their positions if certain conditions exist.

(c) Provides that the civil service status of an employee to whom Subsection (b) applies is effective on the date that the ordinance amending the municipality's classification system to include the employee's position takes effect.

(d) Provides that a fire department employee who has civil service status under Subsection (b) may be promoted only by competitive examination in accordance with the competitive 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 and from 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.