

BILL ANALYSIS

Senate Research Center

S.B. 863
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Intergovernmental Relations
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Members of fire departments and police departments are subject to promotional exams to be considered for a promotion in rank. Many firemen and policemen are also military guardsmen or reservists who often miss promotional examinations when serving or deployed on active duty. Because federal law requires service members to be treated exactly as if they had never left their jobs, for up to sixty months, such missed promotional opportunities may constitute a breach in federal law (Uniformed Services Employment and Reemployment Rights Act, USERRA, Title 38 US Code, Chapter 43, Sections 4301-4333, Public Law 103-353).

S.B. 863 allows for the administration of promotional exams for firemen and policemen who are deployed on active duty with the military.

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 Section 143.032(b), Local Government Code, as follows:

(b)(1) Creates this subsection from existing Subsection (b). Requires each eligible promotional candidate to be given an identical examination in the presence of the other eligible promotional candidates, except that an eligible promotional candidate who is serving on active military duty outside of this state or in a location that is not within reasonable geographic proximity to the location where the examination is being administered is entitled to take the examination outside of the presence of and at a different time than the other candidates and may be allowed to take an examination that is not identical to the examination administered to the other candidates.

(2) Authorizes the Fire Fighters' and Police Officers' Civil Service Commission (commission) to adopt rules under Subsection (a) providing for the efficient administration of promotional examinations to eligible promotional candidates who are members of the armed forces serving on active military duty. Requires the commission, in adopting the rules, to ensure that the administration of the examination will not result in unnecessary interference with any ongoing military effort. Requires the rules to contain certain requirements.

SECTION 2. Amends Section 143.028(c), Local Government Code, to provide that, if a person is recalled on active military duty for not more than 60, rather than 24 months, the two-year service requirements prescribed by Subsections (a) and (b) do not apply and the person is entitled to have time spent on active military duty considered as duty in the respective fire or police department. Deletes existing text relating to the resulting actions that occur if the active military duty exceeds a certain amount of time.

SECTION 3. Effective date: upon passage or September 1, 2005.