

BILL ANALYSIS

S.B. 1050
By: Van de Putte
Urban Affairs
Committee Report (Unamended)

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.

S.B. 2173 will clarify the question of the award of seniority points after a fire fighter takes a promotional examination, establishes 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, makes clear the appeal options that a fire fighter has when appealing a promotional passover, and authorizes a city which has adopted state civil service under Chapter 143, Government Code to make a one time adjustment to the employment status of employees in fire departments.

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

S.B. 1050 grants civil service status to those employees employed by a municipality with a population of 150,000 or more, has a governing body of five or fewer members, and has adopted Chapter 143, Government Code. The employee must have been appointed to that position on or before May 1, 2005 and the position must meet the existing classification of a fire fighter. The bill sets forth additional restrictions on these employees.

The bill amends Section 143.033(c), Local Government Code, to clarify that seniority points are awarded only if a 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.

EFFECTIVE DATE

This Act takes effect September 1, 2005.