

1-1 By: Shapiro S.B. No. 118
1-2 (In the Senate - Filed December 3, 2004; February 1, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 10, 2005, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; March 10, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the civil service status of certain fire department
1-9 employees.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. Subchapter A, Chapter 143, Local Government
1-12 Code, is amended by adding Section 143.0051 to read as follows:

1-13 Sec. 143.0051. STATUS OF EMPLOYEES IN CERTAIN FIRE
1-14 DEPARTMENTS. (a) This section applies only to a fire department
1-15 employee employed by a municipality with a population of 220,000 or
1-16 more. This section does not apply to a fire department employee
1-17 employed by a municipality:

- 1-18 (1) that has adopted Chapter 174; or
1-19 (2) to which Subchapter H or I applies.

1-20 (b) Notwithstanding any other provision of this chapter, a
1-21 previously non-classified fire department employee who serves in a
1-22 position described by Section 143.003(4)(B), (D), (G), or (J) has
1-23 the status of a civil service employee and is not required to take a
1-24 competitive examination to remain in the employee's position if:

1-25 (1) the employee was appointed to that position on or
1-26 before May 1, 2005, and was serving in that position on the date
1-27 described by Subsection (c); and

1-28 (2) the municipality's governing body by ordinance
1-29 amends the municipality's existing classification of fire
1-30 department employees to include the employee's position as provided
1-31 by Section 143.021.

1-32 (c) The civil service status of an employee to which
1-33 Subsection (b) applies is effective on the date that the ordinance
1-34 amending the municipality's classification system to include the
1-35 employee's position takes effect.

1-36 (d) A fire department employee who has civil service status
1-37 under Subsection (b) may be promoted only:

1-38 (1) by competitive examination in accordance with the
1-39 competitive civil service procedures prescribed in this chapter;
1-40 and

1-41 (2) within the employee's existing division.

1-42 (e) A fire department employee who has civil service status
1-43 under Subsection (b) may not:

1-44 (1) supervise or evaluate classified civil service
1-45 personnel assigned to fire suppression or emergency medical
1-46 operations; or

1-47 (2) laterally transfer to fire suppression or
1-48 emergency medical operations.

1-49 (f) If a fire department employee who has civil service
1-50 status under Subsection (b) leaves the employee's position for any
1-51 reason, a person selected to fill that position must be selected in
1-52 accordance with the competitive civil service procedures
1-53 prescribed in this chapter.

1-54 SECTION 2. This Act takes effect immediately if it receives
1-55 a vote of two-thirds of all the members elected to each house, as
1-56 provided by Section 39, Article III, Texas Constitution. If this
1-57 Act does not receive the vote necessary for immediate effect, this
1-58 Act takes effect September 1, 2005.

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