

By: Van de Putte

S.B. No. 1050

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the promotional system for municipal civil service fire
3 fighters and police officers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 143.033(c), Local Government Code, is
6 amended to read as follows:

7 (c) Unless a different procedure is adopted under an
8 alternate promotional system as provided by Section 143.035, the
9 grade that must be placed on the eligibility list for each police
10 officer or fire fighter shall be computed by adding the applicant's
11 points for seniority to the applicant's grade on the written
12 examination, but only if the applicant scores a passing grade on the
13 written examination. Each applicant's grade on the written
14 examination is based on a maximum grade of 100 points and is
15 determined entirely by the correctness of the applicant's answers
16 to the questions. The passing grade [~~score~~] in a municipality with
17 a population of 1.5 million or more is prescribed by Section
18 143.108. In a municipality with a population of less than 1.5
19 million, all applicants who receive a grade on the written
20 examination of at least 70 points shall be determined to have passed
21 the examination. If a tie score occurs, the commission shall
22 determine a method to break the tie.

23 SECTION 2. Sections 143.036(a) and (f), Local Government
24 Code, are amended to read as follows:

1 (a) When a vacancy occurs in a nonentry position that is not
2 appointed by the department head as provided by Sections 143.014
3 and 143.102, the vacancy shall be filled as prescribed by this
4 section and Section 143.108, as applicable. A vacancy in a position
5 described by this subsection occurs on the date the position is
6 vacated by:

7 (1) resignation;

8 (2) retirement;

9 (3) death;

10 (4) promotion; or

11 (5) issuance of an indefinite suspension in accordance
12 with Section 143.052(b).

13 (f) Unless the department head has a valid reason for not
14 appointing the person, the department head shall appoint the
15 eligible promotional candidate having the highest grade on the
16 eligibility list. If the department head has a valid reason for not
17 appointing the eligible promotional candidate having the highest
18 grade, the department head shall personally discuss the reason with
19 the person being bypassed before appointing another person. The
20 department head shall also file the reason in writing with the
21 commission and shall provide the person being bypassed with a copy
22 of the written notice. On application of the bypassed eligible
23 promotional candidate, the reason the department head did not
24 appoint that person is subject to review by the commission or, on
25 the written request of the person being bypassed, by an independent
26 third party hearing examiner under Section 143.057.

27 SECTION 3. Section 143.057(a), Local Government Code, is

1 amended to read as follows:

2 (a) In addition to the other notice requirements prescribed
3 by this chapter, the written notice for a promotional bypass or the
4 letter of disciplinary action, as applicable, issued to a fire
5 fighter or police officer must state that in an appeal of an
6 indefinite suspension, a suspension, a promotional bypass
7 [~~passover~~], or a recommended demotion, the appealing fire fighter
8 or police officer may elect to appeal to an independent third party
9 hearing examiner instead of to the commission. The letter must also
10 state that if the fire fighter or police officer elects to appeal to
11 a hearing examiner, the person waives all rights to appeal to a
12 district court except as provided by Subsection (j).

13 SECTION 4. (a) The change in law made by this Act to Section
14 143.033, Local Government Code, applies only in relation to a
15 promotional examination given on or after the effective date of
16 this Act. A promotional examination given before the effective
17 date of this Act and matters dependent on the promotional
18 examination are governed by the law in effect at the time the
19 examination was given, and the prior law is continued in effect for
20 this purpose.

21 (b) The changes in law made by this Act to Sections 143.036
22 and 143.057, Local Government Code, apply only in relation to a
23 promotional bypass that occurs on or after the effective date of
24 this Act.

25 SECTION 5. This Act takes effect September 1, 2005.