

By: Ellis

S.B. No. 1821

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of municipal civil service
3 promotional examinations in certain cities to eligible candidates
4 unable to be physically present during the examination.

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

6 SECTION 1. Chapter 143, Subchapter B, Local Government
7 Code, is amended by amending Section 143.032 to read as follows:

8 Sec. 143.032. PROMOTIONAL EXAMINATION PROCEDURE. (a) The
9 commission shall adopt rules governing promotions and shall hold
10 promotional examinations to provide eligibility lists for each
11 classification in the fire and police departments. Unless a
12 different procedure is adopted under Section 143.1075, or under an
13 alternate promotional system as provided by Section 143.035, the
14 examinations shall be held substantially as prescribed by this
15 section.

16 SECTION 2. Chapter 143, Subchapter G, Local Government
17 Code, is amended by adding Section 143.1075 to read as follows:

18 Sec. 143.1075. PROMOTIONAL EXAMINATION PROCEDURE. (a) The
19 commission shall adopt rules governing promotions and shall hold
20 promotional examinations to provide eligibility lists for each
21 classification in the fire and police departments. Notwithstanding
22 Section 143.032(b)(1), the commission shall promulgate rules
23 ensuring that an eligible promotional candidate, who is medically
24 incapacitated during the time and date of the examination and

1 unable to physically attend the administration of the promotional
2 examination in the presence of the other promotional candidates,
3 shall be entitled to take the examination outside of the presence of
4 and at a different time than the other candidates and may be allowed
5 to take an examination that is not identical to the examination
6 administered to the other candidates.

7 (b) The commission shall adopt rules under Subsection (a)
8 providing for the efficient administration of promotional
9 examinations to eligible promotional candidates who are medically
10 incapacitated during the time and date of the examination and
11 unable to physically attend the administration of the promotional
12 examination in the presence of the other promotional candidates.

13 The rules shall require that:

14 (1) at the discretion of the administering entity, an
15 examination that is not identical to the examination administered
16 to other eligible promotional candidates may be administered to an
17 eligible promotional candidate who is medically incapacitated
18 during the time and date of the examination and unable to physically
19 attend the administration of the promotional examination in the
20 presence of the other promotional candidates; and

21 (2) if a candidate who is medically incapacitated
22 during the time and date of the examination and unable to physically
23 attend the administration of the promotional examination in the
24 presence of the other promotional candidates takes a promotional
25 examination outside the presence of other candidates and passes the
26 examination, the candidate's name shall be included in the
27 eligibility list of names of promotional candidates who took and

1 passed the examination.

2 (c) The examination must be entirely in writing and may not
3 in any part consist of an oral interview.

4 (d) The examination questions must test the knowledge of the
5 eligible promotional candidates about information and facts and
6 must be based on:

7 (1) the duties of the position for which the
8 examination is held;

9 (2) material that is of reasonably current publication
10 and that has been made reasonably available to each member of the
11 fire or police department involved in the examination; and

12 (3) any study course given by the departmental schools
13 of instruction.

14 (e) The examination questions must be taken from the sources
15 posted as prescribed by Section 143.029(a). Fire fighters or
16 police officers may suggest source materials for the examinations.

17 (f) The examination questions must be prepared and composed
18 so that the grading of the examination can be promptly completed
19 immediately after the examination is over.

20 (g) The director is responsible for the preparation and
21 security of each promotional examination. The fairness of the
22 competitive promotional examination is the responsibility of the
23 commission, the director, and each municipal employee involved in
24 the preparation or administration of the examination.

25 (h) A person commits an offense if the person knowingly or
26 intentionally:

27 (1) reveals a part of a promotional examination to an

1 unauthorized person; or

2 (2) receives from an authorized or unauthorized person
3 a part of a promotional examination for unfair personal gain or
4 advantage.

5 (i) An offense under Subsection (h) is a misdemeanor
6 punishable by a fine of not less than \$1,000, confinement in the
7 county jail for not more than one year, or both the fine and the
8 confinement.

9 SECTION 3. This Act takes effect September 1, 2007.