

BILL ANALYSIS

H.B. 1545
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 143, Local Government Code, is the municipal civil service law for fire and police departments in municipalities with a population of 10,000 or more and applies only to cities that have adopted the law through an election. The municipal civil service law establishes rules for the discipline of police officers and fire fighters and provides certain due process rights. One right enjoyed by these employees is the ability to appeal a disciplinary action to the Fire Fighters' and Police Officers' Civil Service Commission or to arbitration. The civil service commission or arbitrator's decision is binding on both the employee and employer. There is a limited right to appeal to district court. For example, a district court may only hear an appeal of an arbitrator's award on the grounds that the arbitration panel was without jurisdiction or exceeded its jurisdiction or that the order was procured by fraud, collusion, or other unlawful means. There have been reported cases where the municipality has disagreed with an arbitrator's decision and filed a meritless appeal just to keep from putting the employee back to work.

H.B. 1545 requires a municipality to immediately reinstate an employee if the civil service commission or arbitrator rules in the employee's favor, notwithstanding any appeal by the municipality to district court.

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

H.B. 1545 amends the Local Government Code to entitle a fire fighter or police officer to immediate reinstatement to the position or class of service from which the fire fighter or police officer was suspended following a decision ordering reinstatement rendered by the Fire Fighters' and Police Officers' Civil Service Commission or an independent third-party hearing examiner. The bill provides that the reinstatement is notwithstanding any action filed in a court by the municipality or the chief or head of the fire or police department, or that person's equivalent, challenging the decision.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.