

## **BILL ANALYSIS**

H.B. 2806  
By: Maldonado  
Defense & Veterans' Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, if a fire fighter or police officer is granted a military leave of absence to perform military service, the fire fighter or police officer who fills the resulting vacancy is demoted or is laid off upon the service member's return, rather than the person with the least seniority in the department or classification.

H.B. 2806 provides that, when a fire fighter or a police officer who is on a military leave of absence returns to duty, the person in the applicable department with the lowest seniority or pay grade is demoted or laid off.

### **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. 2806 amends the Local Government Code to remove a provision establishing that a fire fighter or police officer who fills the position of a fire fighter or police officer on a military leave of absence is subject to replacement by the person who received the leave at the time the person returns to active duty. The bill specifies that if the reinstatement of a fire fighter or police officer who received a military leave of absence causes a surplus in the rank to which the fire fighter or police officer was reinstated, the fire fighter or police officer who has the least seniority in the position is required to be returned to the position immediately below the position to which the returning fire fighter or police officer was reinstated. The bill establishes that, if a fire fighter or police officer is returned to a lower position in grade or compensation without charges being filed against the person for violation of civil service rules, the fire fighter or police officer is required to be placed on a position reinstatement list in order of seniority. The bill requires appointments from the reinstatement list to be made in order of seniority and prohibits a person who is not on the reinstatement list from being appointed to a position to which the list applies until the list is exhausted. The bill removes provisions concerning a replaced person's preferential right to a subsequent appointment or promotion.

### **EFFECTIVE DATE**

September 1, 2009.