

AN ACT

relating to the reinstatement of a firefighter or police officer to a previously held position based on seniority on the return of another firefighter or police officer from a military leave of absence.

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

SECTION 1. Sections 143.072(c) and (f), Local Government Code, are amended to read as follows:

(c) While a fire fighter or police officer who received a military leave of absence serves in the military, the commission shall fill the person's position in the department in accordance with this chapter. ~~[The fire fighter or police officer who fills the position is subject to replacement by the person who received the military leave at the time the person returns to active duty in the department.]~~

(f) 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 shall ~~[that person's replacement to]~~ be returned to the [a lower] position immediately below the position to which the returning fire fighter or police officer was reinstated. If a fire fighter or police officer is returned to a lower position in grade or compensation under this subsection without charges being filed

1 against the person for violation of civil service rules, the fire
2 fighter or police officer shall be placed on a position
3 reinstatement list in order of seniority. Appointments from the
4 reinstatement list shall be made in order of seniority. A person who
5 is not on the reinstatement list may not be appointed to a position
6 to which the list applies until the list is exhausted [~~the~~
7 ~~replaced person has a preferential right to a subsequent~~
8 ~~appointment or promotion to the same or a similar position from~~
9 ~~which the person was demoted. This preferential right has priority~~
10 ~~over an eligibility list and is subject to the replaced person~~
11 ~~remaining physically and mentally fit to discharge the duties of~~
12 ~~that position].~~

13 SECTION 2. The change in law made by this Act applies only
14 to a firefighter or police officer who is returned to a lower
15 position in grade or compensation on or after the effective date of
16 this Act. A firefighter or police officer who is returned to a
17 lower position in grade or compensation before the effective date
18 of this Act is covered by the law in effect immediately before that
19 date, and the former law is continued in effect for that purpose.

20 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2806 was passed by the House on April 28, 2009, by the following vote: Yeas 147, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2806 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor