

1-1 By: Maldonado, et al. (Senate Sponsor - Van de
1-2 Putte) H.B. No. 2806
1-3 (In the Senate - Received from the House April 29, 2009;
1-4 May 4, 2009, read first time and referred to Committee on
1-5 Intergovernmental Relations; May 22, 2009, reported favorably by
1-6 the following vote: Yeas 5, Nays 0; May 22, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the reinstatement of a firefighter or police officer to
1-10 a previously held position based on seniority on the return of
1-11 another firefighter or police officer from a military leave of
1-12 absence.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Sections 143.072(c) and (f), Local Government
1-15 Code, are amended to read as follows:

1-16 (c) While a fire fighter or police officer who received a
1-17 military leave of absence serves in the military, the commission
1-18 shall fill the person's position in the department in accordance
1-19 with this chapter. ~~[The fire fighter or police officer who fills
1-20 the position is subject to replacement by the person who received
1-21 the military leave at the time the person returns to active duty in
1-22 the department.]~~

1-23 (f) If the reinstatement of a fire fighter or police officer
1-24 who received a military leave of absence causes a surplus in the
1-25 rank to which the fire fighter or police officer was reinstated, the
1-26 fire fighter or police officer who has the least seniority in the
1-27 position shall ~~[that person's replacement to]~~ be returned to the ~~[a~~
1-28 ~~lower]~~ position immediately below the position to which the
1-29 returning fire fighter or police officer was reinstated. If a fire
1-30 fighter or police officer is returned to a lower position in grade
1-31 or compensation under this subsection without charges being filed
1-32 against the person for violation of civil service rules, the fire
1-33 fighter or police officer shall be placed on a position
1-34 reinstatement list in order of seniority. Appointments from the
1-35 reinstatement list shall be made in order of seniority. A person who
1-36 is not on the reinstatement list may not be appointed to a position
1-37 to which the list applies until the list is exhausted ~~[, the~~
1-38 ~~replaced person has a preferential right to a subsequent~~
1-39 ~~appointment or promotion to the same or a similar position from~~
1-40 ~~which the person was demoted. This preferential right has priority~~
1-41 ~~over an eligibility list and is subject to the replaced person~~
1-42 ~~remaining physically and mentally fit to discharge the duties of~~
1-43 ~~that position].~~

1-44 SECTION 2. The change in law made by this Act applies only
1-45 to a firefighter or police officer who is returned to a lower
1-46 position in grade or compensation on or after the effective date of
1-47 this Act. A firefighter or police officer who is returned to a
1-48 lower position in grade or compensation before the effective date
1-49 of this Act is covered by the law in effect immediately before that
1-50 date, and the former law is continued in effect for that purpose.

1-51 SECTION 3. This Act takes effect September 1, 2009.

1-52 * * * * *