

By: Walle

H.B. No. 2940

Substitute the following for H.B. No. 2940:

By: Turner of Tarrant

C.S.H.B. No. 2940

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the grievance procedure for firefighters and police
3 officers in certain municipalities.

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

5 SECTION 1. Section 143.127(a), Local Government Code, is
6 amended to read as follows:

7 (a) Except as otherwise provided by this subsection, a [A]
8 fire fighter or police officer may file a grievance as provided by
9 this subchapter[~~. The fire fighter or police officer may file a~~
10 ~~grievance]~~ that relates to any aspect of the fire fighter's or
11 police officer's employment covered by this chapter [~~the same~~
12 ~~aspects of the person's employment over which the civil service~~
13 ~~commission for the employees of the municipality who are not~~
14 ~~subject to this chapter would have lawful jurisdiction, including~~
15 ~~but not limited to a written or oral reprimand, transfers, job~~
16 ~~performance reviews, and job assignments]~~. The fire fighter or
17 police officer may not file a grievance relating to:

18 (1) a disciplinary suspension, indefinite suspension,
19 promotional pass over, or demotion or other action or decision for
20 which a hearing, review, or appeal is otherwise provided by this
21 chapter; or

22 (2) an allegation of discrimination based, in whole or
23 in part, on race, color, religion, sex, or national origin.

24 SECTION 2. Section 143.128, Local Government Code, is

1 amended by amending Subsection (a) and adding Subsection (f) to
2 read as follows:

3 (a) To begin a grievance action, a fire fighter or police
4 officer must file a completed written step I grievance form with the
5 person's department head or departmental grievance counselor
6 within 30 days after the date the fire fighter or police officer
7 knew or should have known of the action or inaction for which the
8 person feels aggrieved occurred. A step I grievance form may be
9 obtained from the departmental grievance counselor. If the form is
10 not timely filed, the grievance is waived.

11 (f) If the supervisor does not provide the response required
12 by Subsection (d) before the 16th day after the date the meeting
13 occurs, the department head shall sustain the fire fighter's or
14 police officer's grievance.

15 SECTION 3. Section 143.129, Local Government Code, is
16 amended by adding Subsection (e) to read as follows:

17 (e) If the department head or the department head's
18 representative does not provide the response required by Subsection
19 (c) before the 16th day after the date the meeting occurs, the
20 department head shall sustain the fire fighter's or police
21 officer's grievance.

22 SECTION 4. The changes in law made by this Act to Sections
23 143.127, 143.128, and 143.129, Local Government Code, apply only to
24 grievances filed on or after the effective date of this Act. A
25 grievance filed before the effective date of this Act is governed by
26 the law in effect on the date the grievance was filed, and the
27 former law is continued in effect for that purpose.

1 SECTION 5. This Act takes effect September 1, 2009.