

By: Gallegos

S.B. No. 1045

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the reinstatement of a firefighter or police officer  
3 following a decision rendered by the Fire Fighters' and Police  
4 Officers' Civil Service Commission or an independent third party  
5 hearing examiner.

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

7 SECTION 1. Section 143.053(f), Local Government Code, is  
8 amended to read as follows:

9 (f) If the commission finds that the period of disciplinary  
10 suspension should be reduced, the commission may order a reduction  
11 in the period of suspension. If the commission orders that the  
12 suspended fire fighter or police officer be [~~is~~] restored to the  
13 position or class of service from which the person was suspended,  
14 the fire fighter or police officer is entitled to:

15 (1) immediate reinstatement to the position or class  
16 of service from which the person was suspended, notwithstanding any  
17 action filed in a court by the municipality or department head  
18 challenging the commission's decision;

19 (2) full compensation for the actual time lost as a  
20 result of the suspension at the rate of pay provided for the  
21 position or class of service from which the person was suspended;  
22 and

23 (3) [~~(2)~~] restoration of or credit for any other  
24 benefits lost as a result of the suspension, including sick leave,

1 vacation leave, and service credit in a retirement system.  
2 Standard payroll deductions, if any, for retirement and other  
3 benefits restored shall be made from the compensation paid, and the  
4 municipality shall make its standard corresponding contributions,  
5 if any, to the retirement system or other applicable benefit  
6 systems.

7 SECTION 2. Section 143.057, Local Government Code, is  
8 amended by adding Subsection (k) to read as follows:

9 (k) If the hearing examiner orders that the police officer  
10 or fire fighter be reinstated to the position or class of service  
11 the person held before the action by the department that was the  
12 subject of the appeal, the police officer or fire fighter is  
13 entitled to immediate reinstatement to that position or class of  
14 service, notwithstanding any action filed in a court by the  
15 municipality or department head challenging the hearing examiner's  
16 decision.

17 SECTION 3. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2009.