

AN ACT

relating to the employment of firefighters and police officers and the provision of emergency medical services in certain municipalities.

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

SECTION 1. Subchapter A, Chapter 143, Local Government Code, is amended by adding Section 143.0052 to read as follows:

Sec. 143.0052. FEE FOR EMERGENCY MEDICAL SERVICES.

(a) This section applies only to a municipality that:

(1) has a population of more than 200,000 and less than 250,000;

(2) is located in a county in which another municipality that has a population of more than one million is predominately located; and

(3) whose emergency medical services are administered by a fire department.

(b) By resolution of its governing body, a municipality may establish a monthly fee for the costs of emergency medical services, including salary and overtime related to medical personnel. This fee is applicable to each and every customer served by a municipal water account and may be collected in conjunction with the bill for water services.

(c) A municipality acting under this section supersedes any authority established under Chapter 286, Health and Safety Code.

1 SECTION 2. Subsection (a), Section 143.127, Local
2 Government Code, is amended to read as follows:

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

14 (1) a disciplinary suspension, indefinite suspension,
15 promotional pass over, or demotion or other action or decision for
16 which a hearing, review, or appeal is otherwise provided by this
17 chapter; or

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

20 SECTION 3. Section 143.128, Local Government Code, is
21 amended by amending Subsection (a) and adding Subsection (f) to
22 read as follows:

23 (a) To begin a grievance action, a fire fighter or police
24 officer must file a completed written step I grievance form with the
25 person's department head or departmental grievance counselor
26 within 30 days after the date the fire fighter or police officer
27 knew or should have known of the action or inaction for which the

1 person feels aggrieved occurred. A step I grievance form may be
2 obtained from the departmental grievance counselor. If the form is
3 not timely filed, the grievance is waived.

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

8 SECTION 4. Section 143.129, Local Government Code, is
9 amended by adding Subsection (e) to read as follows:

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

15 SECTION 5. Section 147.002, Local Government Code, is
16 amended to read as follows:

17 Sec. 147.002. DEFINITIONS. In this chapter:

18 (1) "Firefighter" means a firefighter employed by the
19 municipality who is covered by the municipality's fire pension plan
20 and is classified by the municipality as nonexempt ~~[exempt]~~. The
21 term does not include a firefighter with a rank that is above that
22 of battalion chief or section chief.

23 (2) "Firefighter employee group" means an
24 organization:

25 (A) in which, on or before September 1, 2007,
26 firefighters of the municipality have participated and paid dues
27 via automatic payroll deduction ~~[for at least one year]~~; and

1 (B) that exists for the purpose, in whole or in
2 part, of dealing with the municipality concerning grievances, labor
3 disputes, wages, rates of pay, hours of employment, or conditions
4 of employment affecting firefighters.

5 (3) "Police officer" means a sworn police officer
6 employed by the municipality who is covered by the municipality's
7 police pension plan and is classified by the municipality as
8 nonexempt [~~exempt~~]. The term does not include a police officer with
9 a rank above that of captain, a civilian, or a municipal marshal.

10 (4) "Police officer employee group" means an
11 organization:

12 (A) in which, on or before September 1, 2007, at
13 least three percent of the police officers of the municipality have
14 participated and paid dues via automatic payroll deduction [~~for at~~
15 ~~least one year~~]; and

16 (B) that exists for the purpose, in whole or in
17 part, of dealing with the municipality concerning grievances, labor
18 disputes, wages, rates of pay, hours of employment, or conditions
19 of employment affecting police officers.

20 SECTION 6. The changes in law made by this Act to Sections
21 143.127, 143.128, and 143.129, Local Government Code, apply only to
22 grievances filed on or after the effective date of this Act. A
23 grievance filed before the effective date of this Act is governed by
24 the law in effect on the date the grievance was filed, and the
25 former law is continued in effect for that purpose.

26 SECTION 7. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1896 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 30, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1896 passed the House, with amendments, on May 26, 2009, by the following vote: Yeas 82, Nays 64, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor