

1-1 By: Gallegos S.B. No. 1896
1-2 (In the Senate - Filed March 11, 2009; March 24, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 15, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 15, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1896 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the grievance procedure for firefighters and police
1-11 officers in certain municipalities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 143.127, Local
1-14 Government Code, is amended to read as follows:

1-15 (a) Except as otherwise provided by this subsection, a [A]
1-16 fire fighter or police officer may file a grievance as provided by
1-17 this subchapter[. The fire fighter or police officer may file a
1-18 grievance] that relates to any aspect of the fire fighter's or
1-19 police officer's employment covered by this chapter [the same
1-20 aspects of the person's employment over which the civil service
1-21 commission for the employees of the municipality who are not
1-22 subject to this chapter would have lawful jurisdiction, including
1-23 but not limited to a written or oral reprimand, transfers, job
1-24 performance reviews, and job assignments]. The fire fighter or
1-25 police officer may not file a grievance relating to:

1-26 (1) a disciplinary suspension, indefinite suspension,
1-27 promotional pass over, or demotion or other action or decision for
1-28 which a hearing, review, or appeal is otherwise provided by this
1-29 chapter; or

1-30 (2) an allegation of discrimination based, in whole or
1-31 in part, on race, color, religion, sex, or national origin.

1-32 SECTION 2. Section 143.128, Local Government Code, is
1-33 amended by amending Subsection (a) and adding Subsection (f) to
1-34 read as follows:

1-35 (a) To begin a grievance action, a fire fighter or police
1-36 officer must file a completed written step I grievance form with the
1-37 person's department head or departmental grievance counselor
1-38 within 30 days after the date the fire fighter or police officer
1-39 knew or should have known of the action or inaction for which the
1-40 person feels aggrieved occurred. A step I grievance form may be
1-41 obtained from the departmental grievance counselor. If the form is
1-42 not timely filed, the grievance is waived.

1-43 (f) If the supervisor does not provide the response required
1-44 by Subsection (d) before the 16th day after the date the meeting
1-45 occurs, the department head shall sustain the fire fighter's or
1-46 police officer's grievance.

1-47 SECTION 3. Section 143.129, Local Government Code, is
1-48 amended by adding Subsection (e) to read as follows:

1-49 (e) If the department head or the department head's
1-50 representative does not provide the response required by Subsection
1-51 (c) before the 16th day after the date the meeting occurs, the
1-52 department head shall sustain the fire fighter's or police
1-53 officer's grievance.

1-54 SECTION 4. The changes in law made by this Act to Sections
1-55 143.127, 143.128, and 143.129, Local Government Code, apply only to
1-56 grievances filed on or after the effective date of this Act. A
1-57 grievance filed before the effective date of this Act is governed by
1-58 the law in effect on the date the grievance was filed, and the
1-59 former law is continued in effect for that purpose.

1-60 SECTION 5. This Act takes effect September 1, 2009.

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