

BILL ANALYSIS

H.B. 342
By: Fletcher
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 143, Local Government Code, is the Municipal Civil Service Act for fire and police in municipalities with a population of 10,000 or more. The Act applies to cities that have adopted it through an election. The Act further establishes rules for the discipline of police officers and fire fighters and provides certain due process rights.

One right enjoyed by a police officer and a fire fighter is the ability to appeal disciplinary actions through the civil service commission or arbitration. The commission or arbitrator's decision is binding on both the employee and employer. However, there are cases where the municipality disagrees with an arbitrator's decision, and instead files an appeal so as to avoid allowing that employee to return to work.

H.B.342 would allow a firefighter or police officer to be immediately reinstated if the civil service commission or arbitrator ruled in the employee's favor, regardless of any challenge filed in court by a municipality or department head.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 143.053(f), Local Government Code, to provide that if the commission orders that a suspended fire fighter or police officer be restored to the position from which the person was suspended, then the fire fighter or police officers is entitled to immediate reinstatement to the position or class of service from which the person was suspended, even if the municipality or department head challenges the commission's decision in court.

SECTION 2. Amends Section 143.057, Local Government Code, by adding subsection (k) to provide that if the hearing examiner orders that the police officer or fire fighter be reinstated to the position or class of service the person held before the action by the department that was the subject of the appeal, the police officer or fire fighter is entitled to immediate reinstatement to that position or class of service, even if the municipality or department head challenges the hearing examiner's decision in court.

SECTION 3. The Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If the Act does not receive the vote necessary for immediate effect, the Act takes effect September 1, 2011.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011.