

By: Fletcher, Burkett

H.B. No. 342

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, even if the
17 municipality or department head challenges the commission's
18 decision in court;

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, even if the municipality or department head challenges the
15 hearing examiner's decision in court.

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