

By: Gallegos

S.B. No. 1747

A BILL TO BE ENTITLED

AN ACT

relating to the conditions of employment for firefighters employed by certain emergency services districts; providing penalties.

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

SECTION 1. Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 179A to read as follows:

CHAPTER 179A. CONDITIONS OF EMPLOYMENT FOR FIREFIGHTERS OF CERTAIN  
EMERGENCY SERVICES DISTRICTS

Sec. 179A.001. DEFINITION. In this chapter, "firefighter" means a person defined as fire protection personnel under Section 419.021, Government Code.

Sec. 179A.002. APPLICABILITY. (a) This chapter applies to a fire department of and firefighters employed by an emergency services district with a population of more than 50,000.

(b) For purposes of this chapter, a reference to a municipality or a municipal official in a provision of law made applicable by this chapter to an emergency services district is considered to be a reference to the district or the official of the district responsible for the performance of the duty to which the provision applies.

Sec. 179A.003. PAYROLL DEDUCTIONS; LONGEVITY PAY; CLASSIFICATION PAY; PENALTY. (a) Sections 141.008, 141.032, and 141.033 apply to a firefighter employed by an emergency services district.

1       (b) The penalty under Section 141.035 applies to a person  
2 who is in charge of the fire department of an emergency services  
3 district or who is responsible for setting the compensation for  
4 firefighters employed by a district.

5       Sec. 179A.004. ASSISTANCE; BENEFITS; WORKING CONDITIONS;  
6 PENALTY. Sections 142.001, 142.0013, 142.0015, 142.0016, 142.004,  
7 142.009, and 142.010 apply to a firefighter employed by an  
8 emergency services district.

9       Sec. 179A.005. CIVIL SERVICE. (a) An emergency services  
10 district is considered to have adopted Chapter 143. Chapter 143  
11 applies to the district's fire department in the same manner as the  
12 chapter applies to a municipality with a population of less than 1.5  
13 million that adopts that chapter. Subchapters A-F, Chapter 143,  
14 apply to the district's fire department.

15       (b) Each firefighter who has been in the service of the  
16 emergency services district for more than six months at the time  
17 this chapter first becomes applicable to the district and who is  
18 entitled to civil service classification:

- 19               (1) has the status of a civil service employee; and  
20               (2) is not required to take a competitive examination  
21 to remain in the position the person occupies at that time.

22       (c) The Fire Fighters' Civil Service Commission is  
23 established in each emergency services district. The president of  
24 the district's board of emergency services commissioners shall  
25 appoint the members of the commission not later than the 60th day  
26 after the date this chapter first becomes applicable to the  
27 district. Not later than the 30th day after the date the district's

1 first full fiscal year begins after the date this chapter first  
2 becomes applicable to the district, the district's board of  
3 emergency services commissioners shall implement this chapter.

4 (d) The office of Director of Fire Fighters' Civil Service  
5 is established in each emergency services district. The Fire  
6 Fighters' Civil Service Commission shall appoint the director. The  
7 director shall serve as secretary to the commission and perform  
8 work incidental to the civil service system as required by the  
9 commission. The commission may remove the director at any time.

10 SECTION 2. (a) On the effective date of this Act, Chapter  
11 179A, Local Government Code, as added by this Act, first becomes  
12 applicable to an existing emergency services district.

13 (b) The board of emergency services commissioners of an  
14 emergency services district to which Chapter 143, Local Government  
15 Code, is, without regard to the holding of an election, applicable  
16 because of the change in law made by this Act shall implement a  
17 civil service system for the district in accordance with  
18 Subchapters A-F, Chapter 143, Local Government Code, and in  
19 accordance with Chapter 179A, Local Government Code, as added by  
20 this Act.

21 SECTION 3. This Act takes effect September 1, 2011.