

BILL ANALYSIS

H.B. 1312
By: Fletcher
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have raised concerns regarding the rules for disciplining police officers and fire fighters. These parties contend that there are cases in which a municipality disagrees with a disciplinary decision and files an appeal only to prevent an employee from returning to work. H.B. 1312 seeks to entitle a fire fighter or police officer to immediate reinstatement if the Fire Fighters' and Police Officers' Civil Service Commission or an arbitrator rules 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

H.B. 1312 amends the Local Government Code, in a provision setting out certain entitlements for a suspended fire fighter or police officer in certain municipalities with a population of less than 1.5 million if the person is restored to the position or class of service from which the person was suspended, to clarify that the person is so entitled if the Fire Fighters' and Police Officers' Civil Service Commission orders such restoration. The bill adds to those entitlements the entitlement to immediate reinstatement of the fire fighter or police officer to the position or class of service from which the person was suspended, even if the municipality or department head of the fire or police department, as applicable, challenges the commission's decision in court.

H.B. 1312 entitles a police officer or fire fighter in certain municipalities, if an independent third party 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, 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.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.