

BILL ANALYSIS

C.S.H.B. 2175
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides comprehensive administrative procedures for municipal fire fighters, including a four-step grievance procedure for fire fighters in certain municipalities. C.S.H.B. 2175 seeks to amend the applicable law relating to grievance procedures for fire fighters.

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

C.S.H.B. 2175 amends the Local Government Code to authorize a fire fighter pursuing a grievance action in a municipality with a population of 1.5 million or more, if the departmental grievance counselor does not schedule a step I meeting within the appropriate required time, to continue to pursue the grievance action by filing a step II grievance form with the department head or departmental grievance counselor within 15 calendar days after the last day for scheduling the step I meeting expires. The bill further authorizes the fire fighter, if the step II meeting is not held within the appropriate required time, to continue to pursue the grievance action by submitting a written request to the director of fire fighters' and police officers' civil service stating the fire fighter's decision to appeal to an independent third party hearing examiner or by filing a step III grievance form with the director within 15 calendar days after the last day for holding a step II meeting expires.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2175 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 143.128, Local Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the departmental grievance counselor does not schedule a step I meeting within the time required by Subsection (b), the department head shall sustain the

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 143.128, Local Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the departmental grievance counselor does not schedule a step I meeting within the period required by Subsection (b), the fire fighter may continue to pursue

grievance of a fire fighter.

SECTION 2. Section 143.129, Local Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) If the step II meeting is not held within the time required by Subsection (b), the department head shall sustain the grievance of a fire fighter.

No equivalent provision.

SECTION 3. Sections 143.128(b-1) and 143.129(b-1), Local Government Code, as added by this Act, apply only to a grievance filed on or after September 1, 2013.

SECTION 4. This Act takes effect

the grievance action by filing a step II grievance form with the department head or departmental grievance counselor in accordance with Section 143.129.

SECTION 2. Section 143.129, Local Government Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) To continue the grievance procedure, the fire fighter or police officer must complete a step II grievance form and file it with the department head or the departmental grievance counselor within 15 calendar days after:

(1) the last day for scheduling a step I meeting expires as provided by Section 143.128(b-1), for a grievance filed by a fire fighter; or

(2) the date the fire fighter or police officer receives the supervisor's response under Section 143.128.

(b-1) If the step II meeting is not held within the period required by Subsection (b), the fire fighter may continue to pursue the grievance action by:

(1) submitting a written request to the director stating the fire fighter's decision to appeal to an independent third party hearing examiner as provided by Section 143.057; or

(2) filing a step III grievance form with the director in accordance with Section 143.130.

SECTION 3. Section 143.130(a), Local Government Code, is amended to read as follows:

(a) To continue the grievance procedure, the fire fighter or police officer must complete a step III grievance form and file it with the director within 15 calendar days after:

(1) the last day for holding a step II meeting expires as provided by Section 143.129(b-1), for a grievance filed by a fire fighter; or

(2) the date the fire fighter or police officer receives the department head's response under Section 143.129.

SECTION 4. The changes in law made by this Act apply only to a grievance filed on or after September 1, 2013.

SECTION 5. Same as introduced version.

September 1, 2013.

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