

BILL ANALYSIS

H.B. 1579
By: Canales
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Most fire fighters in Texas have few rights under state law regarding investigative procedures for alleged misconduct. This can result in a fire fighter being forced into accepting punishments based on unfounded allegations, coercive techniques, and investigations that are not formal in nature. Fire fighters are also sometimes required to use leave to attend scheduled interrogations. H.B. 1579 seeks to address these issues by prohibiting a municipality from taking punitive action against a fire fighter unless an investigation has been conducted in accordance with certain procedures and extending the protections that currently exist for certain fire fighters to all professional fire fighters under the bill. This would help prevent abuse of the system in the case of an overzealous investigator who is using the full force of the department to coerce a firefighter into accepting a suspension or termination that would be inconsistent with the perceived misconduct. It takes advantage of basic rights already in statute and makes them available for all professional fire fighters, which would not only make sure an investigation is conducted properly but ensure that the proper conclusion is reached.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1579 amends the Government Code to prohibit a municipality with a population of 10,000 or more from taking punitive action against a fire fighter unless an investigation of the fire fighter's alleged misconduct has been conducted by the municipality in accordance with the following:

- certain investigation requirements prescribed under the fire fighters' and police officers' civil service law or other applicable law;
- any additional requirements imposed by a meet and confer or collective bargaining agreement under that civil service law or The Fire and Police Employee Relations Act; and
- the requirement that a copy of a signed complaint against the fire fighter be given to the fire fighter in accordance with the applicable procedures.

The bill applies to a fire fighter employed by a municipality regardless of whether the municipality is covered by a meet and confer or collective bargaining agreement under the civil service law or the act.

H.B. 1579 requires a municipality to which certain investigation requirements under the fire fighters' and police officers' civil service law or another substantially similar investigation

requirement do not apply to adopt and comply with procedures substantially identical to those required under that civil service law for certain municipalities with a population of 460,000 or more that operate under a city manager form of government and any additional procedures or requirements imposed by a meet and confer or collective bargaining agreement under the civil service law or The Fire and Police Employee Relations Act. The bill's provisions expressly supersede a conflicting provision in a meet and confer or collective bargaining agreement, but the bill authorizes such an agreement under the civil service law or that act to impose requirements for investigations in addition to those provided in the civil service law applicable to certain municipalities that do not conflict with the requirements of that law. The bill applies only to an investigation initiated by the municipality on or after the bill's effective date and an agreement entered into on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.