

**SUBJECT:** Rank reinstatement for returning military fire fighters and police officers

**COMMITTEE:** Defense and Veterans' Affairs — favorable, without amendment

**VOTE:** 5 ayes — Corte, Farias, Ortiz, Pickett, C. Turner

0 nays

4 absent — Vaught, Chavez, Edwards, Maldonado

**WITNESSES:** For — (*Registered, but did not testify*: Tom Gaylor, Texas Municipal Police Association; Mike Higgins, Texas State Association of Fire Fighters; Charley Wilkison, Combined Law Enforcement Associations of Texas)

Against — None

**BACKGROUND:** Local Government Code, ch. 143 establishes a municipal civil service system for police officers and firefighters. Sec. 143.072 addresses police officers or firefighters granted a military leave of absence in order to enter a branch of the U.S. military service. When a firefighter or police officer takes a such a leave of absence, the Fire Fighters' and Police Officers' Civil Service Commission promotes another person to fill the vacant position. Once the officer on military leave returns to the department, he or she is entitled to reinstatement at former rank if the officer applies within 90 days of being honorably discharged from the military and is physically and mentally capable of discharging the position's duties. Upon reinstatement, the officer who was promoted as a replacement must return to his or her original position, but is given a preferential right to a subsequent promotion or appointment to a similar position.

**DIGEST:** HB 2806 would alter the reinstatement policy for police officers and firefighters returning from a military leave of absence. Upon the officer's return, the person at the rank with the least seniority would be demoted. Demotion would occur only if there was a surplus in the rank at which the returning officer was reinstated, and the demoted officer would be placed on a position reinstatement list in order of seniority. Those placed on the list would be given priority for any future promotions, based on seniority.

**SUPPORTERS  
SAY:**

HB 2806 would provide greater clarity and fairness to the issue of who would get demoted when a firefighter or police officer returned from a military leave of absence to resume their position. Currently, if an officer is on military leave for a long period of time and multiple people get promoted during his or her absence, the person who initially filled the vacancy is demoted on that officer's return, even if the person who filled the vacancy has more seniority than other officers at that rank.

The bill would take current military practice regarding demotions and apply it to Texas firefighters and police officers, demoting the officer of the same rank with the least seniority rather than the officer who had replaced the returnee. It would give priority for any future promotions to the person demoted due to another officer's returning from a military leave of absence. Placing the demoted officer on a list of preference would prevent that officer from being required to repeat testing or any other processes required for promotion.

**OPPONENTS  
SAY:**

No apparent opposition.