

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 699  
By: Whitmire  
Intergovernmental Relations  
3-20-97  
Committee Report (Substituted)

### **DIGEST**

Currently, the Houston Fire Department is governed by a law that allows for automatic filling of vacant fire fighter civil service positions, based on merit, when the department does not fill those vacant positions in a timely manner. However, the Houston Police Department has no similar provision in law to ensure that police civil service positions are filled by the Police Department in a timely manner. C.S.S.B. 699 proposes placing the Houston Police Department under the same civil service law as the Houston Fire Department for filling civil service positions in a timely manner.

### **PURPOSE**

As proposed, C.S.S.B. 699 outlines provisions regarding the promotional appointments of police officers in certain municipalities.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 143.108, Local Government Code, by amending Subsection (c) and adding Subsection (e), to provide that if a fire or police department fails to fill a vacancy by an appointment within the time required by Subsection (b), the fire fighter or police officer who is appointed to fill the vacancy is entitled to receive in a lump-sum payment the difference between the pay that the fire fighter or police officer received during the time that the position was unlawfully vacant and the pay that the fire fighter or police officer would have received if the fire fighter or police officer had been appointed to the position on the latest day provided for the appointment by Subsection (b). Provides that the fire fighter's or police officer's seniority rights in the new position also date to the latest day provided for the appointment by Subsection (b). Provides that if the municipality refuses to pay a police officer or to grant a police officer seniority rights as provided by Subsection (c), the police officer may bring an action to recover the pay and seniority rights in a court of competent jurisdiction. Makes a conforming change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 143.108, Local Government Code, by adding Subsection (e), regarding an action to recover pay and seniority rights by a police officer. Makes a conforming change.