

BILL ANALYSIS

Senate Research Center
80R11920 KSD-F

H.B. 3352
By: Woolley (Whitmire)
Criminal Justice
5/7/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As of 1997, Subchapter J (Local Control of Police Officer Employment Matters in Municipalities With Population of 1.5 Million or More), Chapter 143, Local Government Code, enables the Houston Police Department to enter into a meet and confer contract agreements with the City of Houston. To that end, the first contract was negotiated between these parties in 1998. Since 1998, a number of changes have been made by agreement at the local governmental entity level to acts that are controlled by Chapter 143 (Municipal Civil Service for Firefighters and Police Officers), Local Government Code.

H.B. 3352 makes technical changes to conform Chapter 143, Local Government Code, to the current agreed-to practices authorized between the City of Houston and the Houston Police Department.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 143.057(d), Local Government Code, as follows:

(d) Requires the director of fire fighters' and police officers' civil service (director) to immediately request a list of seven qualified neutral independent third party hearing examiners, rather than arbitrators, from the American Arbitration Association or the Federal Mediation and Conciliation Service, or their successors in function if the parties do not agree on the selection of a hearing examiner on or within 10 days after the date the appeal is filed. Makes a conforming change.

SECTION 2. Amends Sections 143.1015(e), (f), and (i), Local Government Code, as follows:

(e) Requires the hearing relating to the reasons for the fire fighter's or police officer's subpoena request to be held on the date set for the original appeal hearing. Requires the Fire Fighters' and Police Officers' Civil Service Commission (commission), if it overrules a fire fighter's or police officer's subpoena request at a hearing, if the commission finds that justice is served by a continuance, to give the fire fighter or police officer at least 15 days notice of that date.

(f) Requires the commission, if it sustains such a subpoena request at the hearing, to reschedule the appeal hearing date to the commission's next regularly scheduled meeting and give the firefighter or police officer at least 15 days notice of that date.

(i) Entitles a municipal employee who is subpoenaed to appear as a fact witness in any appeal of a disciplinary decision to applicable pay for the time the employee is required to be present at the hearing.

SECTION 3. Amends Section 143.1016, Local Government Code, by amending Subsections (a), (d), (e), (h), and (k) and adding Subsection (l), as follows:

(a) Requires, rather than authorizes, the hearing examiner to be an independent third party hearing examiner.

(d) Provides that this subsection applies only if the parties have not established a selection procedure in an agreement pursuant to Subchapter J (Local Control of Police Officer Enforcement Matters in Municipalities With a Population of 1.5 Million or More). Makes conforming changes.

(e) Authorizes a fire fighter or police officer to call, within two days after learning that the hearing examiner cannot begin the hearing within 45 days, for the selection of a new hearing examiner using the procedure prescribed by Subsection (d) or a procedure established in an agreement pursuant to Subchapter J. Makes a conforming change.

(h) Requires a hearing examiner to make a reasonable effort to render a decision on the appeal within 30 days after the date the hearing ends or the legal briefs are filed in an appeal that does not involve an expedited hearing procedure.

(k) Requires each fire fighter, police officer, or representative to be entitled to the selection of hearing examiner to hear the case pursuant to Subsection (d) or in accordance with a procedure established in an agreement pursuant to Subchapter J in an appeal of an indefinite suspension, a suspension, a promotional pass over, or a recommended demotion.

(l) Makes conforming changes.

SECTION 4. Makes application of Sections 143.057(d), 143.1015, and 143.1016, Local Government Code, prospective.

SECTION 5. Effective date: September 1, 2007.