

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 3352  
By: Woolley (Whitmire)  
Criminal Justice  
5/10/2007  
Committee Report (Substituted)

### **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.

C.S.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. This bill also requires the Fire Fighters' and Police Officers' Civil Service Commission to provide entrance examinations to determine eligibility for beginning peace officer positions in the police department and sets forth required components of and guidelines for the examination.

### **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 143.025, Local Government Code, by adding Subsection (k), to provide that this section (Entrance Examinations) does not apply to a police department located in a municipality with a population of 1.5 million or more.

SECTION 2. 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 3. 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 4. 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 5. Amends Subchapter G, Chapter 143, Local Government Code, by adding Section 143.1041, as follows:

Sec. 143.1041. ENTRANCE EXAMINATION FOR BEGINNING PEACE OFFICER POSITION IN POLICE DEPARTMENT. (a) Defines "police officer training academy."

(b) Requires the commission to provide for open, competitive, and free entrance examinations to provide eligibility lists for beginning peace officer positions in the police department. Provides that the examinations are open to each person who makes a proper application, has been admitted to or is enrolled in a police officer training academy as an academy trainee, and meets the requirements prescribed by this chapter.

(c) Authorizes the entrance examination to be administered to examinees only after the examinees are admitted to a police officer training academy and before the examinees graduate from the academy.

(d) Authorizes an eligibility list for a beginning peace officer position in the police department to be created only as a result of the examination. Requires the examination to be held in the presence of each examinee, except as provided by Subsection (f). Requires the examination to be based on the examinee's general knowledge and aptitude and requires the examination to inquire into the examinee's general education and mental ability. Prohibits a person from being appointed to the police department except as a result of the examination.

(e) Prohibits an examinee from taking an examination unless at least one other examinee taking the examination is present.

(f) Requires an entrance examination for beginning peace officer positions in the police department to be held at one or more locations in the municipality in which the police department is located and authorizes the examination to be held at additional locations outside the municipality. Requires an examination held at multiple locations to be administered on the same day and at the same time at each location at which it is given. Requires each member of a police officer training academy class to take the examination at the same time to create one eligibility list. Requires each examinee who takes the examination to take the same examination and to be examined in the presence of other examinees.

(g) Requires an additional five points to be added to the examination grade of an examinee who served in the United States armed forces, received an honorable discharge from that service, and made a passing grade on the examination.

(h) Requires the grade to be placed on the eligibility list for each examinee to be computed by adding an examinee's points under Subsection (g), if any, to the examinee's grade on the written examination. Provides that each examinee's grade on the written examination is based on a maximum grade of 100 percent and is determined entirely by the correctness of the examinee's answers to the questions. Provides that the minimum passing grade on the examination is 70 percent. Requires an examinee to pass the examination in order to be placed on the eligibility list.

SECTION 6. Amends Section 143.105, Local Government Code, to require a person to have been employed full-time for at least five years as a peace officer in order to be certified as eligible for a beginning position with a police department, in addition to meeting the eligibility requirements prescribed by Section 143.023.

SECTION 7. Amends Section 143.352(2), Local Government Code, to redefine "police employee group."

SECTION 8. Amends Subchapter J, Chapter 143, Local Government Code, by adding Section 143.355, as follows:

Sec. 143.355. AUTOMATIC PAYROLL DEDUCTION OF POLICE EMPLOYEE GROUP DUES. Requires a public employer that has recognized a police employee group as the sole and exclusive bargaining agent under Section 143.354 to deduct police employee group dues via automatic payroll deduction for members of the employee group that has been recognized as the bargaining agent. Authorizes automatic payroll deduction for members of other police employee groups to be authorized by agreement between the chief executive officer of the public employer and the recognized bargaining agent.

SECTION 9. Makes application of Sections 143.057(d), 143.1015, and 143.1016, Local Government Code, prospective.

SECTION 10. Makes application of Section 143.1041, Local Government Code, as added by this Act, and Section 143.025, Local Government Code, as amended by this Act, prospective.

SECTION 11. Makes application of Section 143.105, Local Government Code, as amended by this Act, prospective.

SECTION 12. Effective date: September 1, 2007.