

SUBJECT: Probationary employment period of fire fighters and police officers

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 7 ayes — Talton, Wong, A. Allen, Bailey, Blake, Menendez, Rodriguez
0 nays

WITNESSES: None

BACKGROUND: Local Government Code, ch. 143 regulates hiring and promotions for police and fire departments and creates a system for handling complaints for cities that have adopted the chapter and created a Fire Fighters' and Police Officers' Civil Service Commission. Under sec. 143.027(a), a person appointed to a beginning position in a fire or police department must serve a one year probationary period beginning from the person's date of employment as a fire fighter, police officer, or academy trainee.

DIGEST: CSHB 148 would allow a Fire Fighters' and Police Officers' Civil Service Commission to extend the probationary period by up to six months for a person who must attend a basic fire or police training academy to receive an initial certification. This extension would apply only to persons hired on or after the effective date of the bill.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS SAY: CSHB 148 would help ensure that local police and fire departments have adequate time to evaluate a rookie police officer or fire fighter that has to attend a training academy by allowing local civil service commissions to extend the probationary period.

Currently, most departments send new officers and fire fighters to a training academy for an average of five to seven months — time that counts toward the one year probationary period. The months remaining in the probationary period do not provide a rookie officer or fire fighter sufficient experience with the wide variety of situations that are

encountered on the street, nor do they provide police and fire departments enough time to review the person's initial performance. CSHB 148 would provide local police and fire departments with adequate time to assess the skills of rookie officers and fire fighters by allowing the Fire Fighters' and Police Officers' Civil Service Commission to extend the probationary period by up to six months. Rookies who experienced difficulties performing certain vital, but learnable duties on the job could be given remedial training during the longer probationary period, rather than simply being terminated because they did not have a particular skill when they began work.

The bill would not affect meet-and-confer agreements because the statutes governing these agreements specify that they supersede other statutes. Nor would the bill affect the timing of pay raises. Pay increases are strictly local matters. In practice, departments do not necessarily promote persons as soon as they have accrued enough time on the job to qualify.

The bill would not allow commissions to single out individual officers or fire fighters for longer probationary periods than their peers because the language of the bill states that the commission could extend the period for *persons* who must attend a basic training academy, not *a person*. The commission therefore would be limited to extending probation to an entire group of rookies who must attend an academy. Moreover, it is unlikely that departments would want to extend the probationary period for a single rookie, because doing so could hurt morale of the rookie and other officers. The commissions also are subject to the Open Meetings Act, so any change under the bill's provisions would be subject to a full public hearing.

OPPONENTS
SAY:

CSHB 148 could allow civil service commissions to single out particular police officers or fire fighters for extended probationary periods because the bill does not specify whether the commission could extend the probationary period for individuals or for groups. This would dilute the purpose of these commissions to provide a fair and objective administration of local police and fire departments, particularly with regard to hiring and promotions. Police officers and fire fighters subject to the additional probationary period also would not receive the same protections provided to commissioned officers, such as the right to a hearing if disciplined.

NOTES: The committee substitute made the bill's provisions permissive rather than mandatory and specified that they would apply to a person who must attend a basic training academy.