

- SUBJECT:** Modifying disciplinary appeal procedures for Houston police officers
- COMMITTEE:** Urban Affairs — committee substitute recommended
- VOTE:** 5 ayes — Bailey, Murphy, Menendez, Latham, Mallory Caraway  
0 nays  
2 absent — Cohen, Martinez Fischer
- WITNESSES:** For — Mark Clark, Houston Police Officers' Union; (*Registered, but did not testify*: James Jones, Houston Police Department)  
Against — None
- BACKGROUND:** Local Government Code, ch. 143, subch. D governs disciplinary action against fire fighters and police officers employed by a department in a municipality that has adopted a civil service agreement. Secs 143.057 and 143.1016 establish procedures for hearings for officers involving a temporary or indefinite suspension, a promotional bypass, or a recommended demotion. Officers so charged are entitled to a hearing from qualified third-party examiners. Sec. 143.1016 applies to municipalities with a population greater than 1.5 million (Houston).  
  
Ch. 143, subch. J regulates police officer employment matters in municipalities with a population of 1.5 million or greater (Houston). Subch. J provides the city with local control over the wages, salaries, rates of pay, hours of work, and other terms of employment for police officers, if the city and the department's bargaining agent come to a mutual agreement on these terms. Sec. 143.363 provides Houston police officers the right to choose to be represented by any person of their choice or by the police employee group selected as the bargaining agent.
- DIGEST:** HB 3352 would amend provisions establishing recourse for Houston police officers and fire fighters who were employed by departments with civil service agreements and who were facing disciplinary action. The bill would provide for disciplinary appeal reviews to be conducted by independent third-party hearing examiners. The bill would specify the availability of alternate procedures for disciplinary action for Houston

police officers, as provided in ch.143, subch. J.

The bill would take effect on September 1, 2007, and would apply to appeals initiated on or after that date.

**SUPPORTERS  
SAY:**

HB 3352 would make conforming statutory changes so that disciplinary procedures concerning Houston police officers would reflect agreements reached through meet-and-confer negotiations between the city of Houston and all officers in the Houston Police Department. The bill would codify changes to the agreement that have been made since its original negotiation in 1998.

Article 13 of the 2001 agreement, reached as part of meet-and-confer negotiations between the Houston Police Officers' Union—the bargaining agent for the Houston Police Department—and the city, governs officers' ability to file grievances in response to disciplinary action. Article 13 outlines a process by which independent hearing examiners are appointed to review disciplinary charges filed against an officer. The process calls for the selection of 12 independent hearing examiners to preside over all appeals of discipline in which an aggrieved officer has elected to appeal to an independent hearing examiner.

The bill would make no substantive changes to provisions regulating disciplinary appeals for departments with civil service agreements. Amending the law to better reflect Houston's meet-and-confer agreement with police officers would add consistency to statutes that govern civil service agreements and those that provide for local negotiation of these agreements. Specifying that review parties should be independent third-party examiners for civil service departments would clarify vague language in the statutes and affirm the importance of impartial reviews.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

In the bill as filed, costs associated with the service of a subpoena of a witness would be paid by the party who called the witness. The substitute removed this provision as well as other provisions relating to written notice requirements for disciplinary appeal hearings.

The companion bill, SB 1718 by Whitmire, has been referred to the Senate Intergovernmental Relations Committee.