

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1286
By: Gallegos
Intergovernmental Relations
4-14-97
Committee Report (Substituted)

DIGEST

C.S.S.B. 1286 would amend current provisions regarding the classification of positions in a fire or police department and set forth new provisions regarding the donation of accumulated vacation or compensatory time by a firefighter or police officer to an employee organization for legislative leave purposes.

PURPOSE

As proposed, C.S.S.B. 1286 amends current provisions regarding the classification of positions in a fire or police department and sets forth new provisions regarding the donation of accumulated vacation or compensatory time by a firefighter or police officer to an employee organization for legislative leave purposes.

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 Section 143.103, Local Government Code, by amending Subsection (b) and adding Subsection (c), to require, except for positions classified in the communication or technical class, the governing body of the municipality employing a peace officer in a specialized police division to classify a position in the division in the same class as a police officer position that is not in a specialized police division. Provides that a member of a particular division is eligible for promotion or lateral crossover to a position outside that division; rather than providing that a member of a particular class is not eligible for promotion to a position outside that class, and lateral crossover by promotion by a member of one class to another class is prohibited. Deletes a provision regarding a member of one class who wants to change classes. Authorizes the head of the police department, assistant chiefs of police, and deputy chiefs of police, or their equivalent, regardless of name or title, to exercise the full sanctions, powers, and duties of their respective offices in the supervision, management, and control of the members of those classes and divisions, subject to the decisions of the department head regarding the chain of command in the department. Requires Subsection (b), in departments in which a collective bargaining agreement or a meet-and-confer agreement exists, to be approved by the collective bargaining agent, meet-and-confer agent, or entity representing the sworn officers of the department.

SECTION 2. Amends Chapter 143G, Local Government Code, by adding Section 143.1261, as follows:

Sec. 143.1261. LEGISLATIVE LEAVE ACCOUNT. Prohibits a firefighter or police officer from donating more than one hour for each month of accumulated vacation or compensatory time to an employee organization. Requires the municipality to establish and maintain a legislative leave time account for each employee organization. Requires the firefighter or police officer to authorize the donation in writing on a form provided by the employee organization and approved by the municipality. Requires the municipality, after receiving the signed authorization on an approved form, to transfer donated time to the account monthly until the municipality receives the firefighter's or police officer's written revocation of the authorization. Authorizes only a firefighter or police officer who is a member of an employee

organization to use for legislative leave purposes the time donated to that employee organization. Authorizes a firefighter or police officer to use for legislative leave purposes the time donated under this section in lieu of reimbursing the municipality under Section 143.126. Requires a request to use for legislative leave purposes the time in an employee organization's time account to be in writing and submitted to the municipality by the president or the equivalent officer of the employee organization or by that officer's designee. Requires the municipality to account for the time donated to the account and used from the account. Authorizes the municipality to take certain actions in regard to the account. Prohibits an employee organization from using for legislative leave purposes more than 4,000 hours from its time account under this section in a calendar year.

SECTION 3. Requires, except as provided in Subsection (b) of this section and except for officers currently classified in the communication or technical class, a municipality with a population of 1,500,000 or more to reclassify all peace officers in an entry level rank in a specialized police division of the police department to an equivalent rank in the class currently referred to as Class A. Provides that this reclassification does not impair a reclassified officer's pay, seniority, or other employment benefits accrued by the officer on August 31, 1997. Provides that an officer reclassified into Class A under this section is entitled under Chapter 143, Local Government Code, to all benefits to which a similarly situated officer who is not reclassified by this Act is entitled. Requires a peace officer, notwithstanding Section 143.103(b), Local Government Code, as amended by this Act, in a municipality with a population of 1,500,000 or more who holds a rank above an entry level rank in a specialized division of the police department, to continue to be governed by the civil services rules in effect on August 31, 1997. Sets forth requirements regarding the reclassification of certain vacated positions.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Deletes proposed SECTION 1 to amend Section 143.103(b), Local Government Code.

SECTION 2.

Deletes proposed SECTION 2 to amend Chapter 143G, Local Government Code.

SECTION 3.

Deletes proposed SECTION 3 and sets forth provisions regarding reclassification.

SECTION 4.

Deletes proposed SECTION 4 and sets forth effective date.

SECTION 5.

Deletes proposed SECTION 5. Redesignated from SECTION 14.