

BILL ANALYSIS

Senate Research Center
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S.B. 863
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Members of fire departments and police departments are subject to promotional exams to be considered for a promotion in rank. Many firemen and policemen are also military guardsmen or reservists who often miss promotional when serving or deployed on active duty. Because federal law requires service members to be treated exactly as if they had never left their jobs, for up to sixty months, such missed promotional opportunities may constitute a breach in federal law (Uniformed Services Employment and Reemployment Rights Act, USERRA, Title 38 US Code, Chapter 43, Sections 4301-4333, Public Law 103-353).

As proposed, S.B. 863 allows for the administration of promotional exams for firemen and policemen who are deployed on active duty with the military.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Fire Fighters' and Police Officers' Civil Service Commission in SECTION 1 (Section 143.032, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 143.032(b), Local Government Code, as follows:

(b) Requires each eligible candidate to be given an identical examination in the presence of the other eligible promotional candidates, except that an eligible promotional candidate who is serving on active military duty is entitled to take the examination outside of the presence of and at a different time than the other candidates. Authorizes the Fire Fighters' and Police Officers' Civil Service Commission (commission) to adopt rules providing for the efficient administration of promotional examinations to eligible candidates who are members of the armed forces serving on active military duty. Requires the rules to require that, if a candidate serving on active military duty takes a promotional examination outside the presence of other candidates and passes the examination, the candidate's name is required to be included in the eligibility list of names and promotional candidates who took and passed the identical examination.

SECTION 2. Repealer: Section 143.028(c) (Eligibility for Promotion), Local Government Code.

SECTION 3. Effective date: upon passage or September 1, 2005.