

## **BILL ANALYSIS**

Senate Research Center  
79R10943 KEG-D

S.B. 863  
By: Van de Putte  
Intergovernmental Relations  
4/5/2005  
Committee Report (Amended)

### **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).

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**

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 143.032(b), Local Government Code, as follows:

(b) Makes a conforming change.

(j) Authorizes, if an eligible promotional candidate who is serving on active military duty is unable to take the examination in the presence of other eligible promotional candidates because of circumstances related to the candidate's service on active military duty, to take the examination outside of the presence of the other candidates 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.

### **SUMMARY OF COMMITTEE CHANGES**

Committee Amendment No. 1

(1) Amends the introduced version of S.B. 863 in SECTION 1 of the bill by amending the text of Subsection (b) to make a conforming change and adding Subsection (j), Section 143, Local Government Code. Subsection (j) authorizes certain candidates to take the examination outside of the presence of the other candidates 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 said candidates, and sets forth certain requirements for these rules.