

1 SECTION 2. Subsection (a), Section 143.127, Local
2 Government Code, is amended to read as follows:

3 (a) Except as otherwise provided by this subsection, a [A]
4 fire fighter or police officer may file a grievance as provided by
5 this subchapter [~~The fire fighter or police officer may file a~~
6 ~~grievance]~~ that relates to any aspect of the fire fighter's or
7 police officer's employment covered by this chapter [~~the same~~
8 ~~aspects of the person's employment over which the civil service~~
9 ~~commission for the employees of the municipality who are not~~
10 ~~subject to this chapter would have lawful jurisdiction, including~~
11 ~~but not limited to a written or oral reprimand, transfers, job~~
12 ~~performance reviews, and job assignments]~~. The fire fighter or
13 police officer may not file a grievance relating to:

14 (1) a disciplinary suspension, indefinite suspension,
15 promotional pass over, or demotion or other action or decision for
16 which a hearing, review, or appeal is otherwise provided by this
17 chapter; or

18 (2) an allegation of discrimination based, in whole or
19 in part, on race, color, religion, sex, or national origin.

20 SECTION 3. Section 143.128, Local Government Code, is
21 amended by amending Subsection (a) and adding Subsection (f) to
22 read as follows:

23 (a) To begin a grievance action, a fire fighter or police
24 officer must file a completed written step I grievance form with the
25 person's department head or departmental grievance counselor
26 within 30 days after the date the fire fighter or police officer
27 knew or should have known of the action or inaction for which the

1 person feels aggrieved occurred. A step I grievance form may be
2 obtained from the departmental grievance counselor. If the form is
3 not timely filed, the grievance is waived.

4 (f) If the supervisor does not provide the response required
5 by Subsection (d) before the 16th day after the date the meeting
6 occurs, the department head shall sustain the fire fighter's or
7 police officer's grievance.

8 SECTION 4. Section 143.129, Local Government Code, is
9 amended by adding Subsection (e) to read as follows:

10 (e) If the department head or the department head's
11 representative does not provide the response required by Subsection
12 (c) before the 16th day after the date the meeting occurs, the
13 department head shall sustain the fire fighter's or police
14 officer's grievance.

15 SECTION 5. Section 147.002, Local Government Code, is
16 amended to read as follows:

17 Sec. 147.002. DEFINITIONS. In this chapter:

18 (1) "Firefighter" means a firefighter employed by the
19 municipality who is covered by the municipality's fire pension plan
20 and is classified by the municipality as nonexempt [~~exempt~~]. The
21 term does not include a firefighter with a rank that is above that
22 of battalion chief or section chief.

23 (2) "Firefighter employee group" means an
24 organization:

25 (A) in which, on or before September 1, 2007,
26 firefighters of the municipality have participated and paid dues
27 via automatic payroll deduction [~~for at least one year~~]; and

1 (B) that exists for the purpose, in whole or in
2 part, of dealing with the municipality concerning grievances, labor
3 disputes, wages, rates of pay, hours of employment, or conditions
4 of employment affecting firefighters.

5 (3) "Police officer" means a sworn police officer
6 employed by the municipality who is covered by the municipality's
7 police pension plan and is classified by the municipality as
8 nonexempt [~~exempt~~]. The term does not include a police officer with
9 a rank above that of captain, a civilian, or a municipal marshal.

10 (4) "Police officer employee group" means an
11 organization:

12 (A) in which, on or before September 1, 2007, at
13 least three percent of the police officers of the municipality have
14 participated and paid dues via automatic payroll deduction [~~for at~~
15 ~~least one year~~]; and

16 (B) that exists for the purpose, in whole or in
17 part, of dealing with the municipality concerning grievances, labor
18 disputes, wages, rates of pay, hours of employment, or conditions
19 of employment affecting police officers.

20 SECTION 6. The changes in law made by this Act to Sections
21 143.127, 143.128, and 143.129, Local Government Code, apply only to
22 grievances filed on or after the effective date of this Act. A
23 grievance filed before the effective date of this Act is governed by
24 the law in effect on the date the grievance was filed, and the
25 former law is continued in effect for that purpose.

26 SECTION 7. This Act takes effect September 1, 2009.

See
file

S.B. No. 1896

David Newkirk

President of the Senate

John Stricker

Speaker of the House

I hereby certify that S.B. No. 1896 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 30, 2009, by the following vote: Yeas 31, Nays 0.

Datsy Graw

Secretary of the Senate

I hereby certify that S.B. No. 1896 passed the House, with amendments, on May 26, 2009, by the following vote: Yeas 82, Nays 64, one present not voting.

Robert Haney

Chief Clerk of the House

Approved:

19 JUN '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

2:00 O'CLOCK

JUN 19 2009

Colby Shuter III