

AN ACT

relating to the civil service status of certain fire department employees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 143, Local Government Code, is amended by adding Section 143.0051 to read as follows:

Sec. 143.0051. STATUS OF EMPLOYEES IN CERTAIN FIRE DEPARTMENTS. (a) This section applies only to a fire department employee employed by a municipality with a population of 220,000 or more. This section does not apply to a fire department employee employed by a municipality:

- (1) that has adopted Chapter 174; or
- (2) to which Subchapter H or I applies.

(b) Notwithstanding any other provision of this chapter, a previously non-classified fire department employee who serves in a position described by Section 143.003(4)(B), (D), (G), or (J) has the status of a civil service employee and is not required to take a competitive examination to remain in the employee's position if:

(1) the employee was appointed to that position on or before May 1, 2005, and was serving in that position on the date described by Subsection (c); and

(2) the municipality's governing body by ordinance amends the municipality's existing classification of fire department employees to include the employee's position as provided

1 by Section 143.021.

2 (c) The civil service status of an employee to which  
3 Subsection (b) applies is effective on the date that the ordinance  
4 amending the municipality's classification system to include the  
5 employee's position takes effect.

6 (d) A fire department employee who has civil service status  
7 under Subsection (b) may be promoted only:

8 (1) by competitive examination in accordance with the  
9 competitive civil service procedures prescribed in this chapter;  
10 and

11 (2) within the employee's existing division.

12 (e) A fire department employee who has civil service status  
13 under Subsection (b) may not:

14 (1) supervise or evaluate classified civil service  
15 personnel assigned to fire suppression or emergency medical  
16 operations; or

17 (2) laterally transfer to fire suppression or  
18 emergency medical operations.

19 (f) If a fire department employee who has civil service  
20 status under Subsection (b) leaves the employee's position for any  
21 reason, a person selected to fill that position must be selected in  
22 accordance with the competitive civil service procedures  
23 prescribed in this chapter.

24 SECTION 2. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Jim Coakley

Speaker of the House

I certify that H.B. No. 263 was passed by the House on March 23, 2005, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 263 was passed by the Senate on May 12, 2005, by the following vote: Yeas 31, Nays 0.

Leta Spaw  
Secretary of the Senate

APPROVED: 24 MAY 05

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
7:00 P.M. O'CLOCK

Roger Williams  
MAY 24 2005  
Secretary of State