

CHAPTER 453

H.B. No. 892

An Act relating to uncompensated duty for certain fire fighters and police officers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 325, Acts of the 50th Legislature, Regular Session, 1947 (Article 1269m, Vernon's Texas Civil Statutes), is amended by adding Section 20A to read as follows:

Sec. 20A. UNCOMPENSATED DUTY IN CERTAIN CITIES. (a) *In this section, "uncompensated duty" means days of work without pay in a fire or police department and does not include regular or normal work days.*

(b) *In a city having a population of 1,500,000 or more according to the most recent federal census, the chief of the Fire or Police Department may assign any officer or employee under his jurisdiction or supervision to uncompensated duty. The chief or department head may not impose uncompensated duty unless the officer or employee agrees. The duty may be in place of or in combination with a period of disciplinary suspension without pay. If uncompensated duty is combined with a disciplinary suspension, the total number of days of uncompensated duty may not exceed 15. If the officer or employee agrees to accept in writing uncompensated duty, the chief or department head shall give the officer or employee a written statement that specifies the date or dates on which the officer or employee will perform uncompensated duty. If the officer or employee agrees to accept uncompensated duty, he shall have no right to administrative or judicial review.*

(c) *An officer or employee may not earn or accrue any benefit arising from length of service, wage, or salary while the officer or employee is suspended or performing uncompensated duty. A disciplinary suspension does not constitute a break in a continuous position or service in the department for the purpose of determining eligibility for a promotional examination. Except as provided by this subsection, an officer or employee performing uncompensated duty retains all rights and privileges of his position in the department and of his employment by the city.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 4, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 892 on May 17, 1985, by a non-record vote; passed by the Senate, with amendments, on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 11, 1985

Effective: August 26, 1985