

- SUBJECT:** Providing certain rights for fire fighters under investigation
- COMMITTEE:** Urban Affairs — committee substitute recommended
- VOTE:** 5 ayes — Alvarado, Bernal, Elkins, Isaac, J. Johnson
- 0 nays
- 2 absent — Leach, Zedler
- WITNESSES:** For — David Gonzalez, Laredo Fire Fighters Association; (*Registered, but did not testify*: David Crow, Arlington Professional Fire Fighters; Rob Gibson, Fort Worth Firefighters Association; Michael Glynn, Fort Worth Firefighters Association - IAFF Local 440; Johnny Villarreal, Houston Fire Fighters Local 341; Rolando Solis, Laredo Fire Fighters Association; Aidan Alvarado, Laredo Fire Fighters Association; Michael Silva, Mission Fire Fighters Association; Glenn Deshields, Texas State Association of Fire Fighters)
- Against — John Carlton, Texas State Association of Fire and Emergency Districts
- BACKGROUND:** Under Local Government Code, sec. 143.312 fire fighters and police officers under investigation by a municipality for alleged misconduct are granted certain rights if they are employed by a municipality with a population of 460,000 or more that operates under a city manager form of government. These protections do not extend to a municipality with a population of 1.5 million or more (Houston) or a municipality that has adopted the Fire and Police Employee Relations Act.
- DIGEST:** CSHB 2351 would grant to all fire fighters under investigation for misconduct, with the exception of those in Houston, the same rights granted to fire fighters and police employed by certain municipalities with a population of 460,000 or more. These rights also would be granted to fire fighters being investigated by emergency services districts.

The rights provided to fire fighters under investigation for misconduct would include:

- an investigator may interrogate the fire fighter who is the subject of an investigation only during normal working hours, except under certain circumstances;
- a person may not be assigned to conduct an investigation if the person is the complainant;
- a fire fighter must be informed 48 hours before an interrogation;
- an interrogation session may not be unreasonably long; and
- other rights granted under Local Government Code, sec. 143.312.

These protections would not apply to an investigation involving family violence punishable as a felony or class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) or class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000). The bill would prohibit an applicable municipality or emergency services district from taking punitive action against a fire fighter unless the investigation was in substantial compliance with Local Government Code, sec. 143.312.

Any conflict between the bill and Government Code, ch. 614, which provides general provisions for police officers and fire fighters, CSHB 2351 would control.

The bill would take effect September 1, 2017, and would apply to an investigation initiated on or after that date.

**SUPPORTERS
SAY:**

CSHB 2351 would give to all fire fighters in Texas cities smaller than Houston the same rights as fire fighters employed by cities with populations larger than 460,000. Most fire fighters have few rights in Texas during investigative procedures if they are not employed by large cities. This bill simply would provide for common rights already available to many fire fighters in certain cities.

Without these protections, fire fighters may experience hardship due to being suspended without pay during an investigation or being threatened

with termination before an investigation is even finished. There have been instances in which fire fighters have been punished for missing work due to an investigation and other unfair practices, and the bill would remedy many of these situations.

Although emergency services districts may see an increase in some costs, the rights provided in the bill should be common practice. Fire fighters should not be subject to unfair employment practices simply because they are not employed by a major city.

**OPPONENTS
SAY:**

CSHB 2351 would expand investigation requirements for emergency services districts and could increase administrative costs to those districts. These emergency services districts are limited in their ability to raise tax revenue and may not be able to afford the new requirements placed on them by this bill.