

- SUBJECT:** Revising authority of sheriff's department civil service commission
- COMMITTEE:** Public Safety — favorable, without amendment
- VOTE:** 7 ayes — Merritt, Frost, Burnam, Driver, P. King, Rodriguez, Vo
0 nays
2 absent — Lewis, Mallory Caraway
- WITNESSES:** For — Chris Jones, Combined Law Enforcement Associations of Texas;
(*Registered, but did not testify:* Tom Gaylor, Texas Municipal Police Association)

Against — (*Registered, but did not testify:* Sarah Zottarelli, Bexar County Commissioners Court)

On — None
- BACKGROUND:** Local Government Code, ch. 158, subch. B allows a sheriff's department in a county with over 500,000 people to create, through petition and election, a civil service system and to establish a civil service commission to administer the system. A three-person commission serves a county of less than 2.8 million, with the sheriff, commissioners court, and district attorney each appointing one commissioner. A seven-person commission serves a county of 2.8 million or more, with the appointing authorities each appointing two persons to serve as commissioners and jointly appointing an additional member requiring approval from each of the authorities.
- The sheriff's department civil service commission adopts, publishes, and enforces rules regarding:
- selection and classification of employees;
 - competitive examinations;
 - promotions, seniority, and tenure;
 - layoffs and dismissals;
 - disciplinary actions;
 - grievance procedures;

- the rights of employees during an internal investigation; and
- other matters relating to the selection of employees and the procedural and substantive rights, advancement, benefits, and working conditions of employees.

DIGEST: HB 2168 would amend Local Government Code, ch. 158, subch. B to prohibit a sheriff's department civil service commission from, when rendering a final decision regarding a disciplinary action by the sheriff's department, enhancing the disciplinary action. The commission could only sustain, overturn, or reduce the disciplinary action.

This bill would take effect September 1, 2009.

SUPPORTERS SAY: HB 2168 would provide necessary clarification that a civil service commission may only sustain, overturn, or reduce a disciplinary action imposed by the sheriff. Currently, there is ambiguity in the law on whether a commission may increase a punishment. This ambiguity has led to isolated cases where a disciplined employee does not exercise the right to appeal the sheriff's decision for fear that punishment could be increased.

The bill would provide parity for employees of sheriff's departments by making their appellate process the same as it would be for anyone else appealing a decision. The bill also would eliminate expensive litigation for deputies and counties in cases where penalties are extended.

OPPONENTS SAY: The bill would limit a sheriff department's authority to negotiate matters involving discipline as part of the collective bargaining process. Additionally, the bill would limit a civil service commission's authority and ability to develop rules relating to disciplinary matters.