

SUBJECT: Authorizing sheriffs to suspend or terminate certain employees

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 8 ayes — Neave Criado, Stucky, Gerdes, Jones, Orr, Rosenthal, Schatzline, Tinderholt

1 nays — Slaton

WITNESSES: For — Christopher Dyer, Dallas County Sheriff’s Association; David Batton, Harris County Deputies Organization FOP 39; Dallas Reed, Texas Municipal Police Association (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Joe Morris, Game Warden Peace Officers Association; Anthony Kivela, Houston Police Retired Officers Association; AJ Louderback, Texas Sheriffs Regional Alliance; Brien Casey, Williamson County Deputies Association; Noel Johnson, Williamson County Deputies Association; Noel Johnson, Williamson County Sheriffs Office)

Against — None

On — (*Registered, but did not testify*: Shawn Hall Lecuona, Kri’ah b’shalom)

BACKGROUND: Concerns have been raised regarding the ability of a sheriff covered by the sheriff’s department civil service system to indefinitely suspend an officer.

DIGEST: CSHB 994 would authorize a sheriff to suspend or terminate an employee for the violation of a civil service rule.

Suspensions and terminations. Under the bill, a suspension could not exceed 15 days. If the sheriff suspended or terminated an employee, the sheriff would be required to file a written statement with the civil service commission giving the reasons for the suspension or termination no more

than 120 hours after the suspension or termination. The sheriff would immediately deliver a copy of the statement to the employee. The copy of the statement would have to inform the employee that, if the employee wished to appeal to the commission, the employee would have to file a written appeal no more than 10 days after the employee received the copy of the statement.

The written statement filed by the sheriff with the commission would be required to identify each civil service rule alleged to have been violated by the employee and would also be required to describe the alleged acts of the employee that the sheriff contended were in violation of civil service rules. It would not be sufficient for the sheriff merely to refer to the provisions of the rules alleged to have been violated. If the sheriff did not specifically identify in the written statement the act or acts of the employee that allegedly violated the civil service rules, the commission would promptly reinstate the employee.

If offered by the sheriff, the employee could agree in writing to voluntarily accept, with no right to appeal, a suspension of 16 to 90 days for the violation of the civil service rule. The employee would have to accept the offer within five working days after the date the offer was made. If the employee refused the offer and wanted to appeal to the commission, the employee would have to file a written appeal with the commission.

In the original written statement and charges and in any hearing conducted under a county civil service, the sheriff could not complain of an act that occurred earlier than 180 days before the date the sheriff suspended or terminated the employee.

Criminal activity. If the act was allegedly related to criminal activity for which the employee was subject to a criminal penalty, the sheriff:

- could not complain of an act that was discovered earlier than 180 days before the sheriff suspended or terminated the employee; and
- would be required to allege that the act complained of was related

to criminal activity.

Demotions. The sheriff could recommend to the commission in writing that the commission demote a nonexempt employee involuntarily. The sheriff would have to include in the recommendation for demotion the reasons for the recommended demotion and a request that the commission order the demotion. The sheriff also would have to immediately furnish the copy of the recommendation to the affected employee.

The commission could refuse to grant the request for demotion. If the commission believed that probable cause existed for ordering the demotion, the commission would give the employee written notice to appear before the commission for a public hearing at a time and place specified in the notice. The commission would be required to give notice earlier than 10 days before the date of the hearing. The employee would be entitled to a full and complete public hearing, and the commission could not demote the employee without a hearing. A voluntary demotion would not be subject to the bill.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.