

BILL ANALYSIS

Senate Research Center
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S.B. 1733
By: Gallegos
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DIGEST AND PURPOSE

Current law does not authorize Harris County deputy constables to appeal a suspension or termination. As proposed, S.B. 1733 authorizes Harris County constables to create an appeals system for deputy constables who are terminated or suspended from duty; sets forth guidelines by which a deputy constable may be terminated or suspended from duty; and creates a three-member commission to oversee appeals and authorizes this commission to adopt, publish, and enforce rule regarding appeals.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 160, Local Government Code, by adding Subchapter B, as follows:

SUBCHAPTER B. APPEALS PROCESS FOR DEPUTY CONSTABLES IN CERTAIN COUNTIES

Sec. 160.051. DEFINITION. Defines “termination or suspension.”

Sec. 160.052. COUNTIES AND DEPUTY CONSTABLES AFFECTED. Provides that this subchapter applies only to the termination or suspension of a deputy constable in a county with a population of more than three million.

Sec. 160.053. TERMINATION OR SUSPENSION. (a) Authorizes a deputy constable to be terminated or suspended only for inadequate performance or a violation of workplace rules.

(b) Requires a constable to notify a deputy constable in writing of a termination or suspension. Requires the notification to specifically identify the incident that is the cause for the termination or suspension.

(c) Prohibits a deputy constable from being terminated or suspended due to a change in the holder of the constable’s office.

Sec. 160.054. APPEALS COMMISSION. (a) Requires the constables of a county by collective agreement to annually appoint three persons to serve as members of the appeals commission.

(b) Provides that a member of the appeals commission is not personally liable for damages resulting from a decision of the appeals commission.

(c) Prohibits a member of the appeals commission from being employed by the county.

(d) Requires the constables of the county collectively to provide the facilities and support staff necessary for the operation of the appeals commission.

Sec. 160.055. RULES OF PROCEDURE. Requires the appeals commission to adopt, publish, and enforce rules regarding the procedure for an appeal under this subchapter.

Sec. 160.056. APPEAL OF TERMINATION OR SUSPENSION. (a) Authorizes the deputy constable, not later than the fifth day after the date a deputy constable receives written notification of termination or suspension of employment, to appeal a termination or suspension by certain means.

(b) Authorizes the deputy constable, not later than the fifth day after the date a deputy constable receives written notification of a constable's decision on appeal under Subsection (a)(1), to appeal the constable's decision to the appeals commission by filing a written appeal with or appearing in person before the appeals commission.

(c) Requires the appeals commission to make a just and fair decision in writing not later than the 30th day after the date the deputy constable receives written notification of termination or suspension or receives written notification of a constable's decision under Subsection (a)(1), as applicable.

(d) Authorizes the appeals commission, in its decision, to perform certain acts.

(e) Provides that a decision of the appeals commission is final and binding and may not be appealed. Provides that this subsection does not affect a deputy constable's right to contest a termination or suspension in another forum under federal law.

(f) Prohibits a deputy constable from appealing any other personnel action under this subchapter, including a written reprimand, transfer, promotion, or demotion.

Sec. 160.057. EXEMPTIONS. Authorizes a constable to designate as exempt from the application of this subchapter not more than eight deputy constables.

SECTION 2. Amends Sections 160.001-160.007, Local Government Code, by redesignating it as Chapter 160A, Local Government Code, and amending it, as follows:

SUBCHAPTER A. GRIEVANCE PROCEDURE FOR CERTAIN COUNTIES

Sec. 160.001. POLICY. Provides that the purpose of this subchapter, rather than chapter, is to provide reasonable, standardized grievance procedures for certain counties and their employees because of certain plans and policies.

Sec. 160.002. COUNTIES AND EMPLOYEES AFFECTED. Makes conforming changes.

Sec. 160.003. DEFINITION. Makes a conforming change.

Sec. 160.004. PROCEDURE IN GENERAL. Makes a conforming change.

Sec. 160.005. STANDARDIZED GRIEVANCE PROCEDURE. Makes a conforming change.

Sec. 160.006. NO RETALIATION OR REPRISAL. Makes conforming changes.

Sec. 160.007. New heading: PROSPECTIVE APPLICATION OF SUBCHAPTER AND AMENDED ORDER. (a) Provides that this subchapter, rather than Act, applies only to a grievance based on events that occur on or after June 20, 1987.

(b) Makes a conforming change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2003.