

BILL ANALYSIS

H.B. 2168
By: Chavez
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a sheriff's department in a county with a population of 500,000 or more may adopt a sheriff's department civil service system. Under such a civil service system, an employee of the department may appeal a disciplinary action to a civil service commission, which has the power to appeal, sustain, reduce, or overturn the action based on evidence presented at a hearing. It is generally accepted that a civil service commission may not increase a disciplinary action and may only sustain or reduce the action. However, because the law regarding a sheriff's department civil service system does not explicitly prohibit a commission from increasing an action, some employees have been threatened by a civil service commission with the possibility of being fired if the employee does not accept the disciplinary action issued by the department.

H.B. 2168 authorizes a sheriff's civil service commission to only sustain, overturn, or reduce a disciplinary action received by an employee and prohibits the commission from enhancing the action.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2168 amends the Local Government Code to authorize a sheriff's department civil service commission in rendering a final decision regarding a disciplinary action by the sheriff's department, to only sustain, overturn, or reduce the disciplinary action and to prohibit the commission from enhancing a disciplinary action by the department.

EFFECTIVE DATE

September 1, 2009.