

BILL ANALYSIS

H.B. 3869
By: Guillen
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Historically, public employees in Texas are “at will” employees. Current law provides that a deputy serves at the pleasure of the sheriff. However, in a sheriff’s department that has adopted a civil service system, deputies cannot be terminated without due process. In 2007, the legislature provided that a deputy serves at the pleasure of the sheriff unless the deputy is covered by a civil service system, in which case the deputy may only be suspended or removed for a violation of a civil service rule adopted under that system. This corrected the conflict between current laws. However, deputy sheriffs in counties that have adopted collective bargaining under the Fire and Police Employee Relations Act also have due process under the terms of the collective bargaining agreement. To that extent, current law still conflicts with those agreements.

H.B. 3869 clarifies that a deputy sheriff serves at the pleasure of the sheriff unless the deputy is covered by a collective bargaining agreement under the Fire and Police Employee Relations Act. In that case, a deputy may be suspended or removed only according to the terms of the agreement.

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. 3869 amends the Local Government Code to make an exception for a deputy sheriff who is covered under an agreement adopted under the Fire and Police Employee Relations Act from the provision authorizing a deputy sheriff who is included in the coverage of a county civil service system to be suspended or removed only for a violation of a civil service rule adopted under that system. The bill provides that the deputy sheriff may be suspended or removed only according to the terms of that agreement.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.