

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 14, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2071 by Martinez, "Mando" (Relating to an appeal by a deputy sheriff under county civil service to an independent third-party hearing examiner.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Subchapters A and B, Chapter 158 of the Local Government Code to create in counties where the chapter has been adopted, an independent third-party appeals process for a deputy sheriff to pursue in response to certain disciplinary actions taken by the sheriff's office for which the deputy works. Minimum procedures are defined in the bill. The party who loses the appeal would be liable for the hearing examiner's fees and expenses, and the costs of a witness would be paid by the party who calls the witness. A district court would be authorized to hear an appeal of a hearing examiner's award based only on certain specified grounds in the court that has jurisdiction in which the department is located.

Subchapter A applies to a county with a population of 190,000 or more and Subchapter B applies to a county with a population of 500,000 or more.

Local Government Impact

There could be a negative fiscal impact to a county associated with implementing additional procedures and if a county lost an appeal, but the amounts would vary by applicable county, the number of cases and the outcome of an appeal.

Dallas County reported there would be an estimated \$1.1 million for court costs and arbitration fees. Dallas County's affected department's current fiscal year budget is \$141 million. This estimate assumes that two percent of the over 2,200 employees are disciplined, demoted or terminated and takes into consideration that arbitration fees can range from \$100 to \$600 per hour. Dallas County would be responsible for all court and arbitrator fees each time the arbitrator determines that the disciplinary action, demotion or termination was unjustified.

The El Paso County Auditor reported there would be costs of \$20,000. In addition, if the county were required to pay for third-party hearing examiners, the fiscal impact could range from \$1,000 to \$2,000 per day or appeal annually.

Source Agencies:

LBB Staff: JOB, KKR, TP