

By: Gonzales

H.B. No. 3805

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the discharge of an officer or employee of the
3 Department of Public Safety of the State of Texas.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 411.007, Government Code, is amended by
6 amending Subsections (e) and (f) and adding Subsections (e-1),
7 (e-2), and (g) to read as follows:

8 (e) An officer or employee of the department may not be
9 discharged without just cause. The director shall determine
10 whether an officer or employee is to be discharged. A commissioned
11 ~~[An]~~ officer ~~[or employee]~~ ordered discharged may appeal to the
12 commission, and during the appeal the officer ~~[or employee]~~ shall
13 be suspended without pay.

14 (e-1) Except as provided by Subsection (g) ~~[(f)]~~, the
15 department may not discharge, suspend, or demote a commissioned
16 officer except for the violation of a specific commission rule. If
17 the department discharges, suspends, or demotes the ~~[an]~~ officer,
18 the department shall deliver to the officer a written statement
19 giving the reasons for the action taken. The written statement must
20 point out each commission rule alleged to have been violated by the
21 officer and must describe the alleged acts of the officer that the
22 department contends are in violation of the commission rules.

23 (e-2) ~~[(f)]~~ The commission shall establish necessary
24 policies and procedures for the appointment, promotion, reduction,

1 suspension, and discharge of all employees.

2 (f) A discharged commissioned officer [~~or employee~~] is
3 entitled, on application to the commission, to a public hearing
4 before the commission, who shall affirm or set aside the discharge.
5 The commission shall affirm or set aside a discharge on the basis of
6 the evidence presented. If the commission affirms the discharge,
7 the discharged officer may seek judicial review, not later than the
8 90th day after the date the commission affirms the discharge, in a
9 district court under the substantial evidence standard of review,
10 and the officer remains suspended without pay while the case is
11 under judicial review.

12 (g) A noncommissioned employee inducted into the service of
13 the department is on probation for the first one year of service,
14 and an officer is on probation from the date the officer [~~person~~] is
15 inducted into the service of the department until the anniversary
16 of the date the officer [~~person~~] is commissioned. At any time
17 during the probationary period, an officer or employee [~~a person~~]
18 may be discharged [~~without the public hearing provided for by this~~
19 ~~subsection~~] if the director, with the advice and consent of the
20 commission, finds the officer or employee [~~person~~] to be unsuitable
21 for the work.

22 SECTION 2. Section 411.007, Government Code, as amended by
23 this Act, applies only to an officer or employee of the Department
24 of Public Safety of the State of Texas who is discharged on or after
25 the effective date of this Act. An officer or employee discharged
26 before that date is governed by the law in effect immediately before
27 the effective date of this Act, and that law is continued in effect

1 for that purpose.

2 SECTION 3. This Act takes effect September 1, 2013.