86R7707 MP-F

By:  Bohac H.B. No. 4337

A BILL TO BE ENTITLED

AN ACT

relating to positions designated as exempt from sheriff's department civil service systems in certain counties.

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

SECTION 1.  Section 158.038, Local Government Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (c-1) and (e) to read as follows:

(b)  The sheriff of a county with a population of [~~3.3 million or~~] less than 900,000 may designate as exempt from the civil service system:

(1)  the position of chief deputy;

(2)  four positions of major deputy;

(3)  one or more positions in the office of departmental legal counsel; and

(4)  additional positions in the department; provided, however, that the sheriff may not designate as exempt a total of more than 12 [~~10~~] positions.

(c)  The sheriff of a county with a population of 900,000 or more [~~than 3.3 million~~] may designate as exempt from the civil service system:

(1)  the position of chief deputy;

(2)  one or more positions in the office of departmental legal counsel; and

(3)  additional positions in the department[~~, not to exceed 25 in number,~~] that have been:

(A)  determined by the civil service commission to be administrative or supervisory positions; or

(B)  designated by the sheriff as a specialist position[~~; provided, however, that the sheriff may not designate as exempt any position in the deputy classifications of captain or below. The designation of any such additional exempt position by the sheriff shall not diminish the number of positions within the deputy classifications of captain or below~~].

(c-1)  For exemptions under Subsection (c)(3):

(1)  the number of exemptions may not exceed:

(A)  15 in a county with a population of 900,000 or more but less than 1.5 million;

(B)  18 in a county with a population of 1.5 million or more but less than 2 million;

(C)  20 in a county with a population of 2 million or more but less than 2.5 million;

(D)  25 in a county with a population of 2.5 million or more but less than 3 million; and

(E)  30 in a county with a population of 3 million or more;

(2)  the sheriff may not designate as exempt:

(A)  a position in the deputy classifications of captain or below in a county with a population of 3 million or more; or

(B)  a position in the deputy classifications of lieutenant or below in a county with a population of less than 3 million; and

(3)  the designation of exempt positions may not reduce the number of positions within the deputy classifications:

(A)  of captain or below in a county with a population of 3 million or more; or

(B)  of sergeant or below in a county with a population of less than 3 million.

(d)  At the time a new sheriff takes office, an employee holding an exempt position may be transferred to the nonexempt position held by the employee immediately before being promoted to an exempt position. A person who was not an officer in the department when appointed to an exempt position may be transferred only to an entry level position within the pay grade of that exempt position in accordance with the system's civil service rules.

(e)  Not later than the 90th day after the date a sheriff designates a position as exempt under this section, an employee may request a transfer to the nonexempt position held by the employee before the employee's last promotion.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.