

By: Bohac

H.B. No. 4337

A BILL TO BE ENTITLED

1 AN ACT
2 relating to positions designated as exempt from sheriff's
3 department civil service systems in certain counties.

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

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

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

- 11 (1) the position of chief deputy;
12 (2) four positions of major deputy;
13 (3) one or more positions in the office of
14 departmental legal counsel; and
15 (4) additional positions in the department; provided,
16 however, that the sheriff may not designate as exempt a total of
17 more than 12 [~~10~~] positions.

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

- 21 (1) the position of chief deputy;
22 (2) one or more positions in the office of
23 departmental legal counsel; and
24 (3) additional positions in the department [~~, not to~~

1 ~~exceed 25 in number,~~] that have been:

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

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

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

11 (1) the number of exemptions may not exceed:

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

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

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

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

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

22 (2) the sheriff may not designate as exempt:

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

26 (B) a position in the deputy classifications of
27 lieutenant or below in a county with a population of less than 3

1 million; and

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

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

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

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

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

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