

BILL ANALYSIS

C.S.H.B. 994
By: Muñoz, Jr.
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Local police in House District 36 have raised concerns regarding the ability of a sheriff of a sheriff's department covered by a sheriff's department civil service system to indefinitely suspend an officer. C.S.H.B. 994 seeks to address this issue and allow a sheriff to hold officers accountable to the same discipline standards other officers are currently held to under municipal civil service by establishing a process for the suspension, termination, and demotion of a sheriff's department employee.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 994 amends the Local Government Code to authorize a sheriff of a sheriff's department covered by a sheriff's department civil service system to suspend or terminate an employee for the violation of a civil service rule. Such a suspension may be for a reasonable period not to exceed 15 calendar days. The bill requires a sheriff who suspends or terminates an employee, within 120 hours after the hour of suspension or termination, to file a written statement with the sheriff's department civil service commission giving the reasons for the suspension or termination. The bill requires the sheriff to immediately deliver a copy of the statement in person to the suspended or terminated employee. The bill requires the copy of the written statement to inform the suspended or terminated employee that if the employee wants to appeal to the commission, the employee is required to file a written appeal with the commission within 10 days after the date the employee receives the copy of the statement.

C.S.H.B. 994 requires the written statement filed by the sheriff with the commission to identify each civil service rule alleged to have been violated by the suspended or terminated employee and to describe the employee's alleged acts that the sheriff contends are in violation of the civil service rules. The bill establishes that it is not sufficient for the sheriff merely to refer to the provisions of the rules alleged to have been violated. The bill requires the commission to promptly reinstate the employee if the sheriff does not specifically identify in the written statement the act or acts of the suspended or terminated employee that allegedly violated the civil service rules.

C.S.H.B. 994 authorizes the suspended or terminated employee, if offered by the sheriff, to agree in writing to voluntarily accept, with no right of appeal, a suspension of 16 to 90 calendar days

for the violation of a civil service rule. The employee must accept the offer within five working days after the date the offer is made. The bill requires an employee who refuses the offer and wants to appeal to the commission to file a written appeal with the commission in accordance with applicable appeal provisions.

C.S.H.B. 994 prohibits a sheriff, in the original written statement and charges and in any applicable hearing, from complaining of an act that occurred earlier than the 180th day preceding the date the sheriff suspends or terminates the employee. The bill, if an act is allegedly related to criminal activity, including the violation of a federal, state, or local law for which the employee is subject to a criminal penalty, prohibits the sheriff from complaining of an act that is discovered earlier than the 180th day preceding the date the sheriff suspends or terminates the employee and requires the sheriff to allege that the act complained of is related to criminal activity.

C.S.H.B. 994 authorizes a sheriff to recommend to the commission in writing that the commission demote a nonexempt employee involuntarily. The bill requires the sheriff to include in the recommendation for demotion the reasons for the recommended demotion and a request that the commission order the demotion. The bill requires the sheriff to immediately furnish a copy of the recommendation in person to the affected employee. The bill authorizes the commission to refuse to grant the request for demotion. The bill requires the commission, if the commission believes that probable cause exists for ordering the demotion, to give the employee written notice to appear before the commission for a public hearing at a time and place specified in the notice. The bill requires the commission to give the notice before the 10th day before the date the hearing will be held. The bill entitles the employee to a full and complete public hearing and prohibits the commission from demoting an employee without that public hearing. The bill establishes that a voluntary demotion in which the employee has accepted the terms of the demotion in writing is not subject to these provisions of the bill.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 994 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.