

By: Muñoz, Jr., Frazier

H.B. No. 994

A BILL TO BE ENTITLED

AN ACT

relating to sheriff's department civil service systems in certain counties.

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

SECTION 1. Subchapter B, Chapter 158, Local Government Code, is amended by adding Sections 158.0352 and 158.0353 to read as follows:

Sec. 158.0352. DISCIPLINARY SUSPENSION OR TERMINATION. (a)

The sheriff may suspend or terminate an employee for the violation of a civil service rule. A suspension under this section may be for a reasonable period not to exceed 15 calendar days.

(b) If the sheriff suspends or terminates an employee, the sheriff shall, within 120 hours after the hour of suspension or termination, file a written statement with the commission giving the reasons for the suspension or termination. The sheriff shall immediately deliver a copy of the statement in person to the suspended or terminated employee.

(c) The copy of the written statement must inform the suspended or terminated employee that if the employee wants to appeal to the commission, the employee must file a written appeal with the commission within 10 days after the date the employee receives the copy of the statement.

(d) The written statement filed by the sheriff with the commission must identify each civil service rule alleged to have

1 been violated by the suspended or terminated employee and must
2 describe the alleged acts of the employee that the sheriff contends
3 are in violation of the civil service rules. It is not sufficient
4 for the sheriff merely to refer to the provisions of the rules
5 alleged to have been violated.

6 (e) If the sheriff does not specifically identify in the
7 written statement the act or acts of the suspended or terminated
8 employee that allegedly violated the civil service rules, the
9 commission shall promptly reinstate the employee.

10 (f) If offered by the sheriff, the suspended or terminated
11 employee may agree in writing to voluntarily accept, with no right
12 of appeal, a suspension of 16 to 90 calendar days for the violation
13 of a civil service rule. The employee must accept the offer within
14 five working days after the date the offer is made. If the employee
15 refuses the offer and wants to appeal to the commission, the
16 employee must file a written appeal with the commission in
17 accordance with Section [158.037](#).

18 (g) In the original written statement and charges and in any
19 hearing conducted under this subchapter, the sheriff may not
20 complain of an act that occurred earlier than the 180th day
21 preceding the date the sheriff suspends or terminates the employee.
22 If the act is allegedly related to criminal activity, including the
23 violation of a federal, state, or local law for which the employee
24 is subject to a criminal penalty:

25 (1) the sheriff may not complain of an act that is
26 discovered earlier than the 180th day preceding the date the
27 sheriff suspends or terminates the employee; and

1 (2) the sheriff must allege that the act complained of
2 is related to criminal activity.

3 Sec. 158.0353. DEMOTIONS. (a) The sheriff may recommend to
4 the commission in writing that the commission demote a nonexempt
5 employee involuntarily.

6 (b) The sheriff must include in the recommendation for
7 demotion the reasons for the recommended demotion and a request
8 that the commission order the demotion. The sheriff must
9 immediately furnish a copy of the recommendation in person to the
10 affected employee.

11 (c) The commission may refuse to grant the request for
12 demotion. If the commission believes that probable cause exists
13 for ordering the demotion, the commission shall give the employee
14 written notice to appear before the commission for a public hearing
15 at a time and place specified in the notice. The commission shall
16 give the notice before the 10th day before the date the hearing will
17 be held.

18 (d) The employee is entitled to a full and complete public
19 hearing, and the commission may not demote an employee without that
20 public hearing.

21 (e) A voluntary demotion in which the employee has accepted
22 the terms of the demotion in writing is not subject to this section.

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2023.