

By: Muñoz, Jr.

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 158.0352 to read as follows:

Sec. 158.0352. DISCIPLINARY SUSPENSIONS. (a) The sheriff may discipline an employee by suspension or termination for the violation of a civil service rule. The suspension may be for a reasonable period not to exceed 15 calendar days.

(b) If the sheriff disciplines an employee, the sheriff shall, within 120 hours after the hour of discipline, file a written statement with the commission giving the reasons for the discipline. The sheriff shall immediately deliver a copy of the statement in person to the disciplined employee.

(c) The copy of the written statement must inform the disciplined 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 point out each civil service rule alleged to have been violated by the disciplined employee and must describe the alleged acts of the employee that the sheriff contends are in

1 violation of the civil service rules. It is not sufficient for the
2 sheriff merely to refer to the provisions of the rules alleged to
3 have been violated.

4 (e) If the sheriff does not specifically point out in the
5 written statement the act or acts of the employee that allegedly
6 violated the civil service rules, the commission shall promptly
7 reinstate the employee.

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

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

23 (1) the sheriff may not complain of an act that is
24 discovered earlier than the 180th day preceding the date the
25 sheriff disciplines the employee; and

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

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

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

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

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

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

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