

SUBJECT: Allowing creation of civil service systems for sheriffs' employees only

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 6 ayes — Lewis, W. Smith, Casteel, Chisum, Farabee, Olivo

0 nays

3 absent — Farrar, Flynn, Quintanilla

WITNESSES: For — Kenneth Brady, Fort Bend County Sheriffs; Chris W. Jones, CLEAT; Charley Wilkinson, Combined Law Enforcement

Against — None

On — Jim Allison, County Judges and Commissioners Association

BACKGROUND: Local Government Code, sec. 158.002 allows counties with populations greater than 200,000 to create a county civil service system to include all county employees not exempted from the system by its express terms or by the operation of subch. B, which governs the creation of a civil service system for a sheriff's department in a county with a population of more than 500,000. Sec. 158.003 states that the county commissioners court of these counties may order creation of a county civil service system.

Under subch. B, employees of a sheriff's office in a county with a population of more than 500,000 may create a civil service system by secret ballot vote open to all department employees after at least 20 percent of the employees sign a petition requesting an election and present the petition to the employing county's judge. The county judge canvasses the votes and declares the result. If a civil service system is created for a sheriff's office in a county with a population of less than 2.8 million (all but Harris County), the sheriff, commissioners court, and district attorney each appoint one commissioner to administer the system.

DIGEST: CSHB 3134 would amend sec. 158.032, subch. B, ch. 158, to authorize a county with a population between 200,000 and 500,000 people to create a civil service system for its sheriff's department by decision of the county commissioners court.

The bill would amend sec. 158.033(a) to authorize employees of a sheriff's department eligible for a civil service system in a county with a population of more than 500,000 to sign a petition requesting a departmental election on the question of creating a civil service system.

CSHB 3134 also would amend sec. 158.034(a) to authorize a county of less than 2.8 million to create a sheriff's department civil service system if the county commissioners court ordered it.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: CSHB 3134 would allow many more counties the flexibility to adopt civil service systems for county sheriff's departments without adopting civil service systems for all county employees. The sometimes confrontational nature of law enforcement work tends to result in more complaints and legal actions against sheriffs than other county employees.

As a result, sheriff's department employees have a greater need than other county employees for a clear system of rules, including those addressing disciplinary actions and grievance procedures and employee rights in internal investigations. Some county commissioners courts would create civil service systems for sheriffs if they did not have to create the system for all other employees. CSHB 3134 merely would allow these counties to do so.

OPPONENTS SAY: HB 3134 would treat differently one class of county employees so that they more easily could benefit from a civil service system. This would not be fair to other hard working and modestly paid county civil servants who also should benefit from the creation of a civil service system by the county commission.

NOTES: The committee substitute includes an authorization for county commissioners courts of counties less than 2.8 million to create sheriff's department civil service systems for their counties. The substitute also removes the

requirement that a petition would precede a vote by commissioners in regard to civil service systems for these employees, and changes the counties affected by one provision of the bill from counties with populations between 250,000 and 500,000, to those with populations between 200,000 and 500,000.