

BILL ANALYSIS

Senate Research Center
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S.B. 150
By: Harris
Intergovernmental Relations
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As Filed

DIGEST

Currently, Texas law allows a county employee who is demoted, suspended, or removed from the employee's position by a county civil service commission decision to appeal the decision in a district court. The county employer involved may not appeal the decision by the commission. S.B.150 provides civil service counties and a county sheriff's office with the same ability to appeal a county civil service commission decision as a county employee.

PURPOSE

As proposed, S.B. 150 authorizes the appeal of certain decisions of a county civil service commission.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 158.012, Local Government Code, to authorize a county, district, or precinct office or officer, agency, or board that has jurisdiction and control of the performance of employees' official duties (department) to appeal a final decision by the county civil service commission (commission) reinstating a demoted, suspended, or removed employee by filing a petition in a district court in the county within 30 days after the date of the decision. Requires the department to bring an appeal in the name of the county. Authorizes the district court to affirm the commission's decision in whole or in part or reverse or remand the case for further proceedings. Establishes that if the district court renders judgment for the employee, rather than the petitioner, the court may order reinstatement of the employee, payment of back pay, or other appropriate relief. Establishes that if the district court renders judgment for the department, the court may order that the demotion, suspension, or removal is upheld. Prohibits a terminated employee from being ordered to repay any salary received from the county during the pendency of the appeal. Makes conforming changes.

SECTION 2. Amends Section 158.037, Local Government Code, to authorize the sheriff to appeal a final decision by the commission reinstating a demoted, suspended, or removed employee by filing a petition in a district court in the county within 30 days after the date of the decision. Requires the sheriff to bring an appeal in the name of the county. Provides that if the district court renders judgement for the sheriff, the court may order that the demotion, suspension, or removal from the position be upheld. Makes conforming changes.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Emergency clause.