

## **BILL ANALYSIS**

H.B. 4337  
By: Bohac  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that despite population growth in certain counties the number of exempt positions for certain sheriff's department civil service systems has not kept pace with the needs of the departments in those counties. H.B. 4337 seeks to address these concerns by providing for an increase in the number of exempt positions.

### **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**

H.B. 4337 amends the Local Government Code, for purposes of a sheriff's department in a county with a population of more than 500,000 that creates a civil service system, to lower from 3.3 million to 900,000 the county population threshold relating to the authorization for the sheriff to designate positions as exempt from the civil service system. The bill, with respect to a county with a population of less than 900,000, increases from 10 to 12 the cap on the total number of positions the sheriff may designate as exempt. The bill, with respect to a county with a population of 900,000 or more, revises the additional positions that the sheriff may designate as exempt from the civil service system by doing the following:

- providing for the exempt designations of positions that have been designated by the sheriff as a specialist position;
- replacing the cap of 25 on the number of additional positions that may be designated as exempt with a range of caps based on county population;
- replacing the prohibition against the sheriff designating as exempt any position in the deputy classifications of captain or below with a prohibition against the sheriff designating as exempt a position in the deputy classifications of captain or below in a county with a population of 3 million or more or a position in the deputy classifications of lieutenant or below in a county with a population of less than 3 million; and
- replacing the prohibition against the designation of an additional exempt position by the sheriff from diminishing the number of positions within the deputy classifications of captain or below with a prohibition against the designation of exempt positions from reducing the number of positions within the deputy classifications of captain or below in a county with a population of 3 million or more or of sergeant or below in a county with a population of less than 3 million.

H.B. 4337, with respect to the authorization for a person who was not an officer in the sheriff's department when appointed to an exempt position to be transferred at the time a new sheriff takes office only to an entry level position in accordance with the system's civil service rules, specifies such entry level position as a position within the pay grade of the exempt position. The bill authorizes an employee, not later than the 90th day after the date a sheriff designates a position as exempt, to request a transfer to the nonexempt position held by the employee before the employee's last promotion.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.