

## CHAPTER 713

## H.B. No. 1240

An Act relating to the civil service system in certain counties.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Sections 1(3) and (4), Chapter 262, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2372h-6, Vernon's Texas Civil Statutes), are amended to read as follows:

(3) "Employee" means any person who obtains his position by appointment and who is not authorized by statute to perform governmental functions in his own right involving some exercise of discretion or any person added to coverage of the county civil service system by an election held under Section 5A of this Act, but does not include a holder of an office the term of which is limited by the Constitution of the State of Texas.

(4) "Department" means any county, district, or precinct office or officer or other agency or board [of the county] which has jurisdiction and control of the activities of the employees' official duties.

**SECTION 2.** Sections 8(a) and (c), Chapter 262, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2372h-6, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Except as provided by Section 8A of this Act, the [The] commission shall make, publish, and enforce rules, consistent with the purposes of this Act, relating to:

- (1) selection and classification of [county] employees;
- (2) competitive examinations;
- (3) promotions, seniority, and tenure;
- (4) layoffs and dismissals;
- (5) disciplinary actions;
- (6) grievance procedures and other procedural and substantive rights of employees; and
- (7) other matters having to do with selection of employees and their advancement, rights, benefits, and working conditions.

(c) The commission may not make a rule or enforce any existing rule requiring retirement at any age [below 70]. The commission may adopt a rule requiring that an employee, on reaching an age set by the commission, must submit annually to the commission an affidavit from a physician stating that the employee is physically and mentally capable of continuing employment. [If a commission rule sets a mandatory retirement age, an employee who reaches that age may have his employment extended on application to and approval by the commissioners court on a year to year basis.]

**SECTION 3.** Section 10(b), Chapter 262, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2372h-6, Vernon's Texas Civil Statutes), is amended to read as follows:

- (b) Nothing in this Act applies to:
- (1) assistant district attorneys, investigators, or other employees of the district attorney or criminal district attorney, except as provided by Section 5A of this Act;
  - (2) the official shorthand reporter of any [district or criminal district] court; or
  - (3) any elected or appointed officer under the constitution.

**SECTION 4.** Chapter 262, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2372h-6, Vernon's Texas Civil Statutes), is amended by adding Sections 5A and 8A to read as follows:

**Sec. 5A. EXPANDED COVERAGE OF SYSTEM IN MOST POPULOUS COUNTIES.** (a) In a county that has a population of more than 800,000, according to the most recent federal census, and that has a civil service system established under this Act, the qualified electors of the county voting at an election called for that purpose, may determine whether the existing county civil service system established under this Act should be dissolved or should be expanded to cover the employees, except licensed attorneys, of the office of the district attorney or criminal district attorney, the adult and juvenile probation officers and their assistants, personnel in the county auditor's office including all assistant county auditors, and all other employees of the county not included in the system and not specifically exempt under this Act.

(b) The Commissioners Court on its own motion may call an election to determine whether or not the system should be dissolved or should be expanded as provided by Subsection (a) of this section.

(c) Except as specifically provided by this section, the election shall be conducted in the manner provided by Section 5 of this Act.

(d) The election shall be held on the date of the general election for state and county officers.

(e) At the election, the qualified electors shall vote on the proposition of whether the existing county civil service system should be dissolved or should be expanded to include those persons listed in Subsection (a) of this section. To approve the expansion of the system, a majority of the qualified electors voting in the election must approve the proposition.

(f) The ballots shall be printed to allow for voting for or against the proposition: "Keeping and expanding the county civil service system."

(g) The Commissioners Court shall declare the results, and if the proposition is approved, the Commissioners Court shall order the coverage of the system expanded. If the proposition is not approved, the Commissioners Court shall order the civil service system dissolved. A copy of the order shall be placed in the minutes of the Commissioners Court.

**Sec. 8A. EMPLOYMENT BY DEPARTMENTS.** (a) The head of each department covered by the county civil service system may assume responsibility for selecting all persons who are to be employees of that department.

(b) A person employed by a department as provided by Subsection (a) of this section shall serve as a probationary employee during the first six months after selection and may not be covered by the county civil service system during that six-month period. At the end of the six-month period the person's employment may be terminated or the person may be made a permanent employee by the head of the department.

(c) On becoming a permanent employee, a person comes under the coverage of the county civil service system and is fully entitled to all benefits of and subject to all obligations imposed by the county civil service system.

(d) This section does not affect the status of any person who is an employee of a department under a county civil service system on the date the head of the department assumes responsibility for selecting persons who are to be employees of that department.

(e) The rules adopted by the commission under Section 8 of this Act relating to the selection and classification of county employees and to competitive examinations for selection do not apply to the initial hiring of personnel under this section.

**SECTION 5.** Any person covered by an existing county civil service system on the effective date of this Act who would be exempt from coverage of the system by the amendments in this Act to Section 10(b), Chapter 262, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2372h-6, Vernon's Texas Civil Statutes), may, on written request to the civil service commission, remain a member of the system.

**SECTION 6.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 17, 1985, by a non-record vote; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 14, 1985

Effective: August 26, 1985