

SUPREME COURT OF TEXAS

Jefferson County, Texas v. Jefferson County Constables Association

546 S.W.3d 661 (Tex. 2018) · No. No. 16-0498 · Decided April 13, 2018

SUMMARY

This is a dissenting opinion in the Texas Supreme Court concerning whether deputy constables qualify as “police officers” under the Texas Collective Bargaining Act. Justice Boyd, joined by Justice Johnson, concluded that the Act authorizes collective bargaining only for firefighters and police officers and does not extend that authority to deputy constables. The dissent relied on statutory distinctions between constables, sheriffs, and police officers.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice Jeffrey S. Boyd
JURISDICTION	Texas
DECIDED	April 13, 2018
DOCKET	No. 16-0498
DISPOSITION	other
PROCEDURAL POSTURE	Jefferson County petitioned for review of a decision from the Court of Appeals for the Thirteenth District of Texas concerning whether deputy constables are police officers entitled to engage in collective bargaining under the Texas Collective Bargaining Act.
PRECEDENTIAL VALUE	Nonbinding dissenting opinion
PARTIES	Jefferson County, Texas v. Jefferson County Constables Association

TOPICS

- collective bargaining
- labor law
- statutory interpretation
- municipal law
- employment law

PRACTICE AREAS

- labor law
- collective bargaining
- municipal law
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QUESTIONS PRESENTED

1. Whether deputy constables are police officers under the Texas Collective Bargaining Act and therefore have authority to engage in collective bargaining.
2. Whether Texas statutory usage distinguishes deputy constables from police officers for purposes of interpreting the Collective Bargaining Act.

HOLDINGS

1. In Justice Boyd's dissenting view, deputy constables are not police officers within the meaning of the Collective Bargaining Act because the statute grants collective-bargaining authority only to fire fighters and police officers and Texas statutes consistently distinguish deputy constables from police officers.

KEY QUOTATIONS

“But the policy decision to grant them authority to engage in collective bargaining belongs to the Legislature, not this Court.” (1)

“Because the Collective Bargaining Act applies only to fire fighters and police officers, it does not apply to deputy constables.” (2)

“Because the Court holds otherwise, I respectfully dissent.” (3)

FACTUAL BACKGROUND

Deputy constables provide law-enforcement services and regularly serve in a professional law-enforcement capacity. They serve as employees of a constable's office rather than employees of a political subdivision's police department. The dissent addresses whether that distinction places deputy constables within the Collective Bargaining Act's definition of police officers.

PROCEDURAL HISTORY

The case reached the Supreme Court of Texas on a petition for review from the Thirteenth Court of Appeals. The dissent states that the Court held deputy constables to be police officers under the Collective Bargaining Act, and Justice Boyd disagreed with that holding.

DISPOSITION

other

CASES CITED

- Jefferson Cty. v. Stines, 523 S.W.3d 691, 713-19 (Tex. App.—Beaumont 2017, pet. filed)
- Wolff v. Deputy Constables Ass'n of Bexar Cty., 441 S.W.3d 362, 366 (Tex. App.—San Antonio 2013, no pet.)
- City of San Antonio v. San Antonio Park Rangers Ass'n, 850 S.W.2d 189, 192-93 (Tex. App.—San Antonio 1992, writ denied)

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