



**THE ATTORNEY GENERAL
OF TEXAS**

January 15, 1988

**JIM MATTOX
ATTORNEY GENERAL**

Honorable Lloyd Criss
Texas House of Representatives
P. O. Box 2910
Austin, Texas 78769

L088-4

Dear Representative Criss:

Thank you for your letter of December 29, 1987, requesting an opinion of this office. You inquire about House Bill 2316, Acts 1987, 70th Leg., ch. 935, at 6281, codified as article 2372h-12, V.T.C.S. That statute establishes a standardized grievance procedure for county employees in counties with a population of more than 2.4 million. You ask two questions regarding the act: (1) whether it violates the separation of powers and (2) whether it applies to certain high-ranking employees.

This office addressed one of your questions in a recent letter to Representative Bill Hammond. A copy of that letter is enclosed. As indicated therein, article 2372h-12 applies to all public servants who possess no independent sovereign power. Deputy district clerks, being subordinate to the district clerk, are covered by the statute.

Your other question is a general question about the constitutionality of article 2372h-12 under article II, section 1, of the Texas Constitution, which provides for separation of governmental powers. I have enclosed a 1983 Attorney General Opinion applying that provision in a different context. If you wish us to consider the constitutionality of article 2372h-12 under article II, section 1, please specify how you think the statute might violate the doctrine of separation of powers. For your convenience, I have enclosed a copy of article II, section 1, and the interpretive commentary.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/bc

Enclosures
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