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OPINION COMMITTEE

WILLIAM M. JENNINGS
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May 17, 2000

RQ-0232-JC

Rebecca Payne, Division Chief
Office of the Attorney General
P. O. Box 12548, Capitol Station
Austin, Texas 78711-2548

FILE # ML-41424-00
I.D. # 41424

Re: Request for Attorney General's Opinion pertaining to whether the Board of Judges in my county have the authority to participate in the interview/hiring process of employees underneath the department director and to determine which body has the ultimate hiring decision in this regard.

Dear Ms. Payne:

On two (2) occasions the judges in my county have involved themselves in the hiring process for positions underneath the department director in the Community Supervision and Corrections Department. I have attached a copy of my letter which was provided to our personnel director and the Board of Judges. While Opinion No. DM-208 seems to address this issue a further clarification on the issue of "participation" versus "hiring" would be helpful.

Sincerely,

William M. Jennings
Criminal District Attorney

WMJ/sm
Enclosures: as indicated



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May 17, 2000

Bill Dexter
Personnel Director
Gregg County Courthouse
Longview, Texas 75601

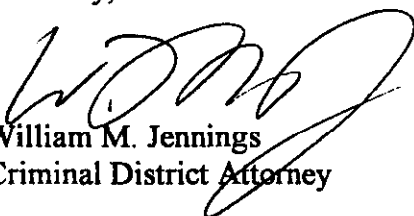
Re: Board of Judges Meeting
Scheduled for May 19, 2000
Interview Applicants for the
positions of supervisor of
Pre-Trial Services

Dear Bill:

After reviewing Sections 76.004 and 76.005 of the Government Code and Attorney General Opinion No. DM 208, I am of the opinion that Quinn Tillery, as director of the department, has the authority to hire the employee of his choice for this position. While Section 76.002(6) authorizes the Board of Judges to participate in the "management" of the department I see no authority reserving any power of approval or disapproval of the director's hiring decision concerning this position. Section 76.005(a) specifically states an officer "appointed" by the department director Section 76.004(b) and the Attorney General's opinion interpreting this issue place this hiring responsibility on the department director as well.

While I can envision a situation in which the Board of Judges participate in this process, the ultimate authority on hiring belongs to the department director.

Sincerely,


William M. Jennings
Criminal District Attorney

WMJ/sm