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OPINION COMMITTEE



FILE # ML-46060-09

I.D. # 46060

The Senate of The State of Texas

SENATE COMMITTEES:

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Senator John Whitmire

Dean of the Texas Senate

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May 11, 2009

The Honorable Greg Abbott
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711

RQ-0797-GA

Re: Request for Opinion

Dear General Abbott:

I am respectfully requesting an attorney general's opinion on the following situation within the Houston Police Department.

An individual applied for the Houston Police Department and was accepted. He served 8 years with the Department and voluntarily resigned to join the US Navy as a SEAL. He is now leaving the US Navy and is seeking re-appointment to the Houston Police Department. This individual is 48 years old.

Houston is a city governed by Chapter 143, Texas Local Government Code, and a locally adopted Meet and Confer Agreement. There is nothing in the Meet and Confer Agreement that addresses this issue.

Since re-appointments are not beginning positions (see *Nugent v. City of Houston*, 159 S.Supp. 2d 529 (S.D. Tex. 2001)), would the 45 year old limitation in 143.023 apply to a re-appointment as described in 143.0251?

Thank you for your assistance with this request. Please do not hesitate to contact me with any questions.

Sincerely,

Handwritten signature of John Whitmire in cursive script.
JOHN WHITMIRE

