

ID # 14924
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41TH COUNTY COURTHOUSE
TYLER, TEXAS 75702

AREA CODE 903
535-0520

February 10, 1992

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RQ-366

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Opinion Committee

Ms. Madeleine Johnson
Chair - Opinion Committee
Attorney General's Office
P.O. Box 12548
Austin, Texas 78711-2548

RE: Opinion Request on behalf of the Smith County District Attorney's Office; Whether a governmental body may withhold the names of persons seeking public employment from the media prior to the body's making a decision with regard to the position in question.

Dear Opinion Committee:

Please address the following questions relating to the applicability of article 6252-17. Sec.(2)(g), Vernon's Ann. Civ. St:

1. Can the Commissioners Court, pursuant to the provision of article 6252-17. Sec.(2)(g), meet in closed session to discuss the employment of a county employee such as the county road engineer?
2. Can the Commissioners Court, pursuant to the provision of article 6252-17. Sec.(2)(g), withhold the names of the applicants under consideration for the position of county road engineer from the media where the applicants specifically request that their identities remain confidential until such time as a decision to hire is made?
3. Can the Commissioners Court, pursuant to the provision of article 6252-17. Sec.(2)(g), withhold the names of the applicants under consideration for the position of county road engineer from the media where the applicants make no request with regard to their identities remaining confidential during the interviewing process?

The statement of facts is as follows: Late last year the Smith County Commissioners Court was faced with the responsibility of

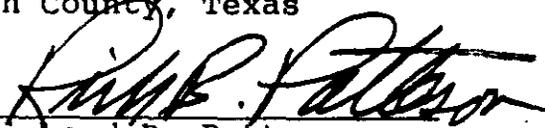
hiring a new county road engineer. The Commissioners Court applied Art. 6252-17. Sec.2 (g) to meet in closed session to discuss the employment of the new county road engineer as well as to interview each applicant in closed session. During the time the Commissioners Court was considering and interviewing the applicants for the county road engineer position, several of the applicants under consideration for the position requested that their identities remain confidential until such time as a decision to hire was made? At one point during the interviewing process, one media representative asserted a right and demanded to be given the names of the applicants under consideration by the Commissioners Court. Fortunately, the media representative's boss declined to press the matter when the County Judge spoke with him and explained that several of the applicants had specifically requested that their identities remain confidential until such time as a decision to hire was made? In this particular situation, without a doubt, several of the applicants would not have applied for the position in question had they been required to divulge their identity to the press without regard to whether they were ultimately hired for the position in question. As in the private sector, persons seeking public employment often want their inquires to remain confidential for obvious reasons.

Your consideration of the above open meetings questions is greatly appreciated.

Sincerely,

Jack Skeen, Jr.
Criminal District Attorney
Smith County, Texas

BY:


Richard B. Patteson
Asst. District Attorney
Smith County, Texas