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OPINION NO. 86-387

The Honorable Allen Gordon
Senator, Ninth District
105 South Moose
Morrilton, Arkansas 72110

Dear Senator Gordon:

This letter is in response to your request for an opinion regarding whether a sheriff, absent Civil Service or a county personnel policy, has the sole authority to promote or demote deputies within that sheriff's office.

There are no statutes which specifically address this issue. Ark. Stat. Ann. §17-3601, which sets forth general duties of the county sheriff, is silent as to a sheriff's authority in employment decisions. However, the Arkansas Constitution, Amendment 55, Section 4, grants to the respective county Quorum Courts the power to fix the number and compensation of deputies and county employees. And, Ark. Stat. Ann. §17-3805(b) allows the respective county Quorum Courts to exercise legislative authority with regard to employee policies and practices of a general nature, including but not limited to the hiring of county employees. However, this section specifically vests day to day administrative responsibility in the discretion of the appropriate elected county official.

It therefore appears that the number, hiring and compensation of sheriff's deputies is a matter within the purview of the county's Quorum Court. However, as to matters of promotion and demotion, Ark. Stat. Ann. §17-3805(b) seems to indicate that such matters are day to day administrative responsibilities in the discretion of the county sheriff as an elected official.

The county sheriff should, of course, insure that his actions comply with all applicable federal laws concerning employment issues. The sheriff should also exercise care in maintaining an equitable, uniform office policy on

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conditions and considerations for promotion and demotion of
sheriff's deputies.

The foregoing opinion, which I hereby approve, was
prepared by Rhonda K. Hill, Assistant Attorney General.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark", written over the typed name.

STEVE CLARK
Attorney General

SC:RKH:pr