

By: Sherman, Sr.

H.B. No. 3771

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain personnel policies of the Texas Department of
3 Criminal Justice and to certain related duties of the Texas Board of
4 Criminal Justice.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 492, Government Code, is amended by
7 adding Section 492.018 to read as follows:

8 Sec. 492.018. PROFESSIONAL STANDARDS AND EMPLOYMENT
9 OVERSIGHT COMMITTEE. (a) The board shall create a professional
10 standards and employment oversight committee composed of board
11 members to review the implementation of and make necessary
12 recommendations for rule and policy changes to:

13 (1) professional development of correctional
14 officers, supervisory personnel, and other department employees;

15 (2) recruitment and retention policies; and

16 (3) employment-related grievance procedures
17 established under Section 493.034.

18 (b) The board shall submit a report biennially to the
19 legislature that includes:

20 (1) the results of the review conducted under
21 Subsection (a) and any recommendations made under that subsection;
22 and

23 (2) the information contained in the report submitted
24 by the department to the board under Section 493.034(f).

1 SECTION 2. Chapter 493, Government Code, is amended by
2 adding Section 493.034 to read as follows:

3 Sec. 493.034. EMPLOYMENT-RELATED GRIEVANCE PROCEDURE. (a)
4 The board shall establish procedures and practices through which
5 the department will address employment-related grievances. The
6 board shall adopt:

7 (1) a process by which an employee's
8 employment-related grievance is submitted to the lowest
9 appropriate level of management, with a subsequent appeal submitted
10 to a higher level in the chain of command, on completion of which
11 the employee may choose to submit the grievance to binding
12 arbitration with an impartial third party; and

13 (2) a program to advertise and explain the grievance
14 procedure to all employees.

15 (b) If a party to the employment-related grievance fails to
16 comply with any applicable time limit adopted by the board for
17 submitting or responding to a grievance, the party may not prevail
18 in the grievance action.

19 (c) An employee may select a person to represent the
20 employee and participate in the employment-related grievance
21 process on behalf of the employee. Any grievance proceeding in
22 which a department employee serves as a representative shall be
23 held during the normal business hours of the department, unless the
24 employee and the department agree otherwise. Attending a grievance
25 proceeding as a party to the proceeding or as a representative of a
26 party is part of an employee's regular employment duties.

27 (d) Subject to the approval of the employee in the

1 employment-related grievance action, the department and the
2 employee may enter into binding arbitration on the action. To
3 facilitate arbitration, the department may:

4 (1) with the approval of the employee, appoint a
5 governmental officer or employee, or a private individual, to serve
6 as an impartial third party in a binding arbitration; or

7 (2) obtain the services of an impartial third party
8 through:

9 (A) an agreement with the Center for Public
10 Policy Dispute Resolution at The University of Texas School of Law;

11 (B) an alternative dispute resolution system
12 established under Chapter 152, Civil Practice and Remedies Code;

13 (C) another governmental body or a federal
14 agency; or

15 (D) an agreement with the State Office of
16 Administrative Hearings.

17 (e) The department may not retaliate against an employee who
18 files an employment-related grievance.

19 (f) The department shall submit annually to the board a
20 report on the department's use of the employment-related grievance
21 process. The report must include:

22 (1) the number of grievances filed;

23 (2) a brief description of each grievance filed; and

24 (3) the final disposition of each grievance.

25 SECTION 3. Not later than December 1, 2021, the Texas Board
26 of Criminal Justice shall establish a professional standards and
27 employment oversight committee as required by Section 492.018,

H.B. No. 3771

1 Government Code, as added by this Act, and not later than April 1,
2 2022, shall establish the procedures and practices required by
3 Section 493.034, Government Code, as added by this Act.

4 SECTION 4. This Act takes effect September 1, 2021.