

By: Turner

H.B. No. 2333

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain personnel policies of the Texas Department of  
3 Corrections 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 492.015 to read as follows:

8 Sec. 492.015. PROFESSIONAL STANDARDS AND LABOR OVERSIGHT  
9 COMMITTEE. (a) The board shall create a professional standards  
10 and labor oversight committee composed of board members to review  
11 the implementation of and make necessary recommendations for rule  
12 and policy changes to:

13 (1) career ladders established under Sections 493.007  
14 and 494.014;

15 (2) professional development of correctional officers  
16 and supervisory personnel;

17 (3) labor-management cooperation, recruitment, and  
18 retention policies; and

19 (4) disciplinary and grievance procedures established  
20 under Section 493.016.

21 (b) The board, in conjunction with the professional  
22 standards and labor oversight committee, shall submit a report  
23 biennially to the legislature that includes the matters considered  
24 under this section and the information contained in the report

1 provided to the board from the department under Section 493.026(h).

2 SECTION 2. Chapter 493, Government Code, is amended by  
3 adding Section 493.026 to read as follows:

4 Sec. 493.026. GRIEVANCE PROCEDURE. (a) In this section,  
5 "employment-related grievance" means an employment-related issue,  
6 in regard to which an employee wishes to express dissatisfaction,  
7 and includes issues relating to:

8 (1) promotions;

9 (2) leave requests;

10 (3) performance evaluations;

11 (4) transfers;

12 (5) benefits;

13 (6) working environment;

14 (7) shift or duty assignments;

15 (8) harassment;

16 (9) retaliation;

17 (10) disciplinary actions, including discharge,  
18 suspension, or demotion;

19 (11) relationships with supervisors or other  
20 employees; and

21 (12) any other issue that the board determines may be  
22 the subject of a grievance procedure.

23 (b) The board shall establish procedures and practices  
24 through which the department will address employment-related  
25 grievances. The board shall adopt:

26 (1) a form on which an employee may state an  
27 employment-related grievance and request a specific corrective

1 action;

2 (2) reasonable time limits for an employee to submit  
3 an employment-related grievance, and any subsequent appeals, and  
4 for management to respond to a grievance or appeal;

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

11 (4) a program to advertise and explain the grievance  
12 procedure to all employees.

13 (c) If a party to the employment-related grievance fails to  
14 comply with the time limits adopted under Subsection (b)(2), the  
15 party may not prevail in the grievance action.

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

24 (e) Subject to the approval of the employee in the  
25 employment-related grievance action, the department and the  
26 employee may enter into binding arbitration on the action. To  
27 facilitate arbitration, the department may:

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

4           (2) obtain the services of an impartial third party  
5 through:

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

8                   (B) an alternative dispute resolution system  
9 created under Chapter 152, Civil Practice and Remedies Code;

10                   (C) another governmental body or a federal  
11 agency; or

12                   (D) an agreement with the State Office of  
13 Administrative Hearings.

14           (f) The grievance action is confidential, except to the  
15 extent that Chapter 552 applies.

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

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

21                   (1) the number of grievances filed;

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

23                   (3) the final disposition of each grievance.

24           SECTION 3. Chapter 494, Government Code, is amended by  
25 adding Sections 494.014 and 494.015 to read as follows:

26           Sec. 494.014. PERSONNEL. (a) The board shall develop a  
27 career ladder program for the institutional division to retain

1 professionally qualified employees. The program must base  
2 advancement on the employee's:

3 (1) annual performance evaluations developed under  
4 Section 493.007;

5 (2) years of experience in the institutional division;  
6 and

7 (3) hours of training completed.

8 (b) The board shall promote a correctional officer  
9 candidate to the level of Texas Law Enforcement Correctional  
10 Officer on completion of the hours of training and the years of  
11 experience required by the board.

12 (c) The board shall:

13 (1) develop any training programs necessary to give an  
14 employee the opportunity for advancement;

15 (2) develop a training program consisting of a  
16 combination of annual in-service training and specific supervisory  
17 training and testing to be required for promotion to all  
18 correctional officer supervisory positions; and

19 (3) allow an employee the opportunity to complete any  
20 training programs required for advancement.

21 Sec. 494.015. MANAGEMENT-EMPLOYEE MEETINGS. (a) The board  
22 shall adopt a policy mandating monthly labor-management meetings  
23 between:

24 (1) each district supervisor or the district  
25 supervisor's designee; and

26 (2) employees selected in a process established by the  
27 board by rule or any representatives chosen by the selected

1 employees.

2 (b) At a monthly labor-management meeting, both parties  
3 shall have an opportunity to improve labor-management relations by  
4 addressing issues selected by the parties.

5 (c) Every third month, a district supervisor shall submit a  
6 report to the director of the institutional division describing the  
7 progress of the meetings.

8 (d) The director of the institutional division shall  
9 conduct statewide meetings with employee representatives. The  
10 board, in consultation with the executive director, shall adopt  
11 procedures regarding the statewide meetings.

12 SECTION 4. This Act takes effect September 1, 2003. All  
13 employees having met the experience qualification required under  
14 Section 494.014(b), Government Code, as added by this Act, on or  
15 before September 1, 2003, shall automatically be certified as Texas  
16 Law Enforcement Correctional Officers.