

By: Alonzo

H.B. No. 2673

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 492.015 to read as follows:

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

13 (1) career ladders established under Sections 493.007  
14 and 493.027;

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

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

19 (4) complaint procedures established under Section  
20 493.016.

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:

24 (1) the results of the review and the recommendations

1 considered under Subsection (a); and

2 (2) the information contained in the report submitted  
3 by the department to the board under Section 493.026(h).

4 SECTION 2. Chapter 493, Government Code, is amended by  
5 adding Sections 493.026, 493.027, and 493.028 to read as follows:

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

10 (1) promotions;

11 (2) leave requests;

12 (3) performance evaluations;

13 (4) transfers;

14 (5) benefits;

15 (6) working environment;

16 (7) shift or duty assignments;

17 (8) harassment;

18 (9) retaliation;

19 (10) disciplinary actions, including discharge,  
20 suspension, or demotion;

21 (11) relationships with supervisors or other  
22 employees; and

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

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

1           (1) a form on which an employee may state an  
2 employment-related grievance and request a specific corrective  
3 action;

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

7           (3) a three-step 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           (4) a program to advertise and explain the grievance  
14 procedure to all employees.

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

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

26           (e) Subject to the approval of the employee in the  
27 employment-related grievance action, the department and the

1 employee may enter into binding arbitration on the action. To  
2 facilitate arbitration, the department may:

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

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

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

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

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

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

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

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

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

23 (1) the number of grievances filed;

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

25 (3) the final disposition of each grievance.

26 Sec. 493.027. CORRECTIONAL INSTITUTIONS DIVISION

27 PERSONNEL. (a) The board shall develop a career ladder program for

1 the correctional institutions division to retain professionally  
2 qualified employees. The program must base advancement on the  
3 employee's:

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

6 (2) years of experience in the correctional  
7 institutions division; and

8 (3) hours of training completed.

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

13 (c) The board shall:

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

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

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

22 Sec. 493.028. MANAGEMENT-EMPLOYEE MEETINGS. (a) The board  
23 shall adopt a policy mandating monthly labor-management meetings  
24 between:

25 (1) each district supervisor in the correctional  
26 institutions division or the district supervisor's designee; and

27 (2) employees of the correctional institutions

1 division selected in a process established by the board by rule or  
2 any representatives chosen by the selected employees.

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

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

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

13 SECTION 3. The change in law made by Section 493.027(b),  
14 Government Code, as added by this Act, applies to a correctional  
15 officer candidate who, on or after the effective date of this Act,  
16 completes the hours of training and the years of experience  
17 required for promotion, as established by the Texas Board of  
18 Criminal Justice. The board shall automatically promote on the  
19 effective date of this Act any correctional officer candidate who,  
20 before the effective date of this Act, completed those hours of  
21 training and years of experience.

22 SECTION 4. This Act takes effect September 1, 2007.