

By: Alonzo

H.B. No. 2269

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Chapter 492, Government Code, is amended by adding Section 492.017 to read as follows:

Sec. 492.017. PROFESSIONAL STANDARDS AND LABOR OVERSIGHT COMMITTEE. (a) The board shall create a professional standards and labor oversight committee composed of board members to review the implementation of and make necessary recommendations for rule and policy changes to:

(1) career ladders established under Sections 493.007 and 493.030;

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

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

(4) complaint procedures established under Section 493.016.

(b) The board, in conjunction with the professional standards and labor oversight committee, shall submit a report biennially to the legislature that includes:

(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 493.029(h).

4 SECTION 2. Section 493.027(a), Government Code, is amended  
5 to read as follows:

6 (a) The director of the department shall ~~[may]~~ meet  
7 regularly with representatives of an eligible state employee  
8 organization, as certified by the comptroller under Section  
9 403.0165, that represents department employees in disciplinary or  
10 grievance matters to identify:

11 (1) department policies or practices that impair the  
12 efficient, safe, and effective operation of department facilities;  
13 and

14 (2) issues that could lead to unnecessary conflicts  
15 between the department and department employees and that could  
16 undermine retention and recruitment of those employees.

17 SECTION 3. Chapter 493, Government Code, is amended by  
18 adding Sections 493.029, 493.030, and 493.031 to read as follows:

19 Sec. 493.029. GRIEVANCE PROCEDURE. (a) In this section,  
20 "employment-related grievance" means an employment-related issue,  
21 in regard to which an employee wishes to express dissatisfaction,  
22 and includes issues relating to:

23 (1) promotions;

24 (2) leave requests;

25 (3) performance evaluations;

26 (4) transfers;

27 (5) benefits;

1           (6) working environment;  
2           (7) shift or duty assignments;  
3           (8) harassment;  
4           (9) retaliation;  
5           (10) disciplinary actions, including discharge,  
6 suspension, or demotion;  
7           (11) relationships with supervisors or other  
8 employees; and  
9           (12) any other issue that the board determines may be  
10 the subject of a grievance procedure.

11           (b) The board shall establish procedures and practices  
12 through which the department will address employment-related  
13 grievances. The board shall adopt:

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

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

20           (3) a three-step process by which an employee's  
21 employment-related grievance is submitted to the lowest  
22 appropriate level of management, with a subsequent appeal submitted  
23 to a higher level in the chain of command, on completion of which  
24 the employee may choose to submit the grievance to binding  
25 arbitration with an impartial third party; and

26           (4) a program to advertise and explain the grievance  
27 procedure to all employees.

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

4        (d) An employee may be represented by a person selected by  
5 the employee to participate in the employment-related grievance  
6 process on behalf of the employee. Any grievance proceeding in  
7 which a department employee serves as a representative shall be  
8 held during the normal business hours of the department, unless the  
9 employee and the department agree otherwise. Attending a grievance  
10 proceeding as a party to the proceeding or as a representative of a  
11 party is part of an employee's regular employment duties.

12        (e) Subject to the approval of the employee in the  
13 employment-related grievance action, the department and the  
14 employee may enter into binding arbitration on the action. To  
15 facilitate arbitration, the department may:

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

19                (2) obtain the services of an impartial third party  
20 through:

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

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

25                        (C) another governmental body or a federal  
26 agency; or

27                        (D) an agreement with the State Office of

1 Administrative Hearings.

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

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

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

9 (1) the number of grievances filed;

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

11 (3) the final disposition of each grievance.

12 Sec. 493.030. CORRECTIONAL INSTITUTIONS DIVISION  
13 PERSONNEL. (a) The board shall develop a career ladder program for  
14 the correctional institutions division to retain professionally  
15 qualified employees. The program must base advancement on the  
16 employee's:

17 (1) annual performance evaluations developed under  
18 Section 493.007;

19 (2) years of experience in the correctional  
20 institutions division; and

21 (3) hours of training completed.

22 (b) The board shall promote a correctional officer  
23 candidate to the level of Texas Law Enforcement Correctional  
24 Officer on completion of the hours of training and the years of  
25 experience required by the board.

26 (c) The board shall:

27 (1) develop any training programs necessary to give an

1 employee the opportunity for advancement;

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

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

8 Sec. 493.031. MANDATORY LABOR-MANAGEMENT MEETINGS. (a)  
9 The board shall adopt a policy mandating monthly labor-management  
10 meetings between:

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

13 (2) employees of the correctional institutions  
14 division selected in a process established by the board by rule or  
15 any representatives chosen by the selected employees.

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

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

22 (d) The director of the correctional institutions division  
23 shall conduct statewide meetings with employee representatives.  
24 The board, in consultation with the executive director, shall adopt  
25 procedures regarding the statewide meetings.

26 (e) The director of the correctional institutions division  
27 annually shall provide to the director of the department

1 information on the outcome of meetings held under this section for  
2 inclusion in the report submitted under Section 493.027(b).

3       SECTION 4. (a) Not later than December 1, 2009, the Texas  
4 Board of Criminal Justice shall establish a professional standards  
5 and labor oversight committee as required by Section 492.017,  
6 Government Code, as added by this Act, and not later than April 1,  
7 2010, shall adopt the policies, procedures, and practices required  
8 by Sections 493.029, 493.030, and 493.031, Government Code, as  
9 added by this Act.

10       (b) The change in law made by Section 493.030(b), Government  
11 Code, as added by this Act, applies to a correctional officer  
12 candidate who, on or after the effective date of this Act, completes  
13 the hours of training and the years of experience required for  
14 promotion, as established by the Texas Board of Criminal Justice.  
15 The board shall automatically promote on the effective date of this  
16 Act any correctional officer candidate who, before the effective  
17 date of this Act, completed those hours of training and years of  
18 experience.

19       SECTION 5. This Act takes effect September 1, 2009.