

By: Frost

H.B. No. 3605

A BILL TO BE ENTITLED

AN ACT

relating to certain personnel policies of the Texas Department of Criminal Justice.

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

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.026, to read as follows:

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

- (1) promotions;
- (2) leave requests;
- (3) performance evaluations;
- (4) transfers;
- (5) benefits;
- (6) working environment;
- (7) shift or duty assignments;
- (8) harassment;
- (9) retaliation;
- (10) disciplinary actions, including discharge, suspension, or demotion;
- (11) relationships with supervisors or other employees; and
- (12) any other issue which the board determines may be

1 the subject of a grievance procedure.

2 (b) The board shall establish procedures and practices
3 through which the department will address employment-related
4 grievances. The board shall adopt:

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

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

11 (3) a three-step process by which an employee's
12 employment-related grievance is submitted to the district
13 supervisor, with a subsequent appeal submitted to a higher level in
14 the chain of command, on completion of which the employee may choose
15 to submit the grievance to binding arbitration with an impartial
16 third party; and

17 (4) a program to advertise and explain the grievance
18 procedure to all employees.

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

22 (d) An employee may be represented by a person selected by
23 the employee to participate in the employment-related grievance
24 process on behalf of the employee. Any grievance proceeding in
25 which a department employee serves as a representative shall be
26 held during the normal business hours of the department, unless the
27 employee and the department agree otherwise. Attending a grievance

1 proceeding as a party to the proceeding or as a representative of a
2 party is part of an employee's regular employment duties.

3 (e) Subject to the approval of the employee in the
4 employment-related grievance action, the department and the
5 employee may enter into binding arbitration on the action. To
6 facilitate arbitration, the department may:

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

10 (2) obtain the services of an impartial third party
11 through:

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

14 (B) an alternative dispute resolution system
15 created under Chapter 152, Civil Practices and Remedies Code;

16 (C) another governmental body or a federal
17 agency; or

18 (D) an agreement with the State Office of
19 Administrative Hearings.

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

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

24 (h) The department shall submit annually to the board a
25 report on the department's use of the employment-related grievance
26 process. The report shall include:

27 (1) the number of grievances filed;

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

2 (3) the final disposition of each grievance.

3 SECTION 2. This Act takes effect September 1, 2009.