87R560 SCL-F

By:  Cortez H.B. No. 264

A BILL TO BE ENTITLED

AN ACT

relating to establishment of an employee grievance procedure for the Health and Human Services Commission and Department of Family and Protective Services.

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

SECTION 1.  Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0095 to read as follows:

Sec. 531.0095.  EMPLOYEE GRIEVANCE PROCEDURE. (a) The executive commissioner by rule shall establish a grievance procedure for commission employees. The procedure must allow a commission employee to appeal an employment action taken by the commission regarding:

(1)  a disciplinary action imposed on the employee, including:

(A)  an oral or written reprimand;

(B)  a demotion;

(C)  a suspension;

(D)  a reduction in compensation; and

(E)  a termination for cause and at will; or

(2)  the employee's compensation or working conditions, including the hours the employee is required to work.

(b)  An appeal made under this section is considered to be a contested case under Chapter 2001.

SECTION 2.  Subchapter B, Chapter 40, Human Resources Code, is amended by adding Section 40.0335 to read as follows:

Sec. 40.0335.  EMPLOYEE GRIEVANCE PROCEDURE. (a) The commissioner by rule shall establish a grievance procedure for department employees. The procedure must allow a department employee to appeal an employment action taken by the department regarding:

(1)  a disciplinary action imposed on the employee, including:

(A)  an oral or written reprimand;

(B)  a demotion;

(C)  a suspension;

(D)  a reduction in compensation; and

(E)  a termination for cause and at will; or

(2)  the employee's compensation or working conditions, including the hours the employee is required to work.

(b)  An appeal made under this section is considered to be a contested case under Chapter 2001, Government Code.

SECTION 3.  Not later than January 1, 2022:

(1)  the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 531.0095, Government Code, as added by this Act; and

(2)  the commissioner of the Department of Family and Protective Services shall adopt rules necessary to implement Section 40.0335, Human Resources Code, as added by this Act.

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