

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,

1 is amended by adding Section 40.0335 to read as follows:

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

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

9 (A) an oral or written reprimand;

10 (B) a demotion;

11 (C) a suspension;

12 (D) a reduction in compensation; and

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

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

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

18 SECTION 3. Not later than January 1, 2022:

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

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

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