

By: Whitmire

S.B. No. 1996

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 492.018 to read as follows:

Sec. 492.018. PROFESSIONAL STANDARDS AND EMPLOYMENT OVERSIGHT COMMITTEE. (a) The board shall create a professional standards and employment oversight committee composed of board members to review the implementation of and make necessary recommendations for rule and policy changes to:

(1) professional development of correctional officers, supervisory personnel, and other department employees;

(2) recruitment and retention policies; and

(3) employment-related grievance procedures established under Section 493.035.

(b) The board shall submit a report biennially to the legislature that includes:

(1) the results of the review conducted under Subsection (a) and any recommendations made under that subsection; and

(2) the information contained in the report submitted by the department to the board under Section 493.035(f).

SECTION 2. Chapter 493, Government Code, is amended by adding Section 493.035 to read as follows:

Sec. 493.035. EMPLOYMENT-RELATED GRIEVANCE PROCEDURE. (a) The board shall establish procedures and practices through which the department will address employment-related grievances. The board shall adopt:

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

(2) a program to advertise and explain the grievance procedure to all employees.

(b) If a party to the employment-related grievance fails to comply with any applicable time limit adopted by the board for submitting or responding to a grievance, the party may not prevail in the grievance action.

(c) An employee may select a person to represent the employee and participate in the employment-related grievance process on behalf of the employee. Any grievance proceeding in which a department employee serves as a representative shall be held during the normal business hours of the department, unless the employee and the department agree otherwise. Attending a grievance proceeding as a party to the proceeding or as a representative of a party is part of an employee's regular employment duties.

(d) Subject to the approval of the employee in the

employment-related grievance action, the department and the employee may enter into binding arbitration on the action. To facilitate arbitration, the department may:

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

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

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

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

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

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

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

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

(1) the number of grievances filed;

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

(3) the final disposition of each grievance.

SECTION 3. Not later than December 1, 2023, the Texas Board of Criminal Justice shall establish a professional standards and employment oversight committee as required by Section 492.018,

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1 Government Code, as added by this Act, and not later than April 1,
2 2024, shall establish the procedures and practices required by
3 Section 493.035, Government Code, as added by this Act.

4 SECTION 4. This Act takes effect September 1, 2023.