

JULY 2018 PERSONNEL MANUAL UPDATE SUMMARY OF REVISIONS

EXECUTIVE DIRECTIVES:

PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees” (rev. 15)

- “Dual supervision” within the TDCJ no longer exists; therefore, reference to such has been removed throughout the directive.
- Revised Authority, Employment at Will clause, and Policy statement.
- Deleted definitions of Administrative Supervision, Dual Supervised Employee, and Technical Supervision; added definition for Protected Class; and revised definitions of Intern and Preponderance of the Evidence.
- Procedures, Section II.B.2: Deleted; removing reference to dual supervised employees.
- Sections III.A and B: Replaced “suspension without pay” with “leave without pay” in accordance with PD-49, “Leaves Other than Medical and Parental.”
- Section IV.A: Revised to include a statement that the charging official shall initiate the PERS 325, Employee Offense and Prehearing Investigation Report (Attachment F), upon becoming aware of the alleged incident.
- Section V.C.2, last paragraph: Revised to further describe that the prehearing investigator shall attach a copy of the fact-finding inquiry or investigation to the PERS 325 after redacting confidential information.
- Section VII, introductory paragraph: Revised to explain the purpose of employee hearings to ensure that an employee charged with an alleged violation has the opportunity to present the employee’s case to the reprimanding authority.
- Section VII.A.2: Replaced reference of “issuing a letter of instruction, PERS 401, or counseling the employee” with “informal corrective action.”
- Section VII.B.2-3: Language revised for clarity.
- Section VII.B.3.b: Revised for clarity by stating that if the employee is charged with two or more violations involving separate incidents, separate employee hearings will be scheduled; only alleged violations associated with a single incident may be addressed in one employee hearing. Separate employee hearings shall be scheduled for alleged violations occurring in separate incidents even if the incidents were investigated through one investigation.
- Section VII.B.4: Revised title to “Hearing Attendance” and updated language to indicate that hearings may be conducted in person at a TDCJ facility, or via telephone or video conference from a TDCJ facility, at the discretion of the reprimanding authority.
- Section VII.C.3: Revised to include that the reprimanding authority may reschedule the hearing due to unforeseen circumstances as long as an employee has 24 hour notice or waives the notice requirement.
- Section VII.C.4.c: Revised to state that if the reprimanding authority reschedules the hearing, the reprimanding authority shall provide justification if the hearing is not held within five days of the original notification.
- Section VII.F.4: Revised to eliminate redundancy.
- Section X.C.2: Removed the option of referring to PD-27, “Employment Status Pending Resolution of Criminal Charges or Protective Orders,” before an employee is placed on suspension without pay pending the outcome of criminal charges.
- Section X.C.2.a(1): Revised for clarity to state that an employee may be suspended for up to 30 regularly scheduled workdays.

- Section X.C.2.a(2): Revised for clarity to state that a period of suspension without pay shall begin on the date it is imposed.
- Section X.C.2.b(2): Revised to clarify that the employee's supervisor shall ensure the employee does not work any hours other than regularly scheduled work hours that are not affected by suspension.
- Section X.C.2.c: Title revised to include leave in accordance with PD-27 in reference to access to premises while suspended.
- Section X.C.4.a(3): Deleted demotion instructions related to a dual supervised employee.
- Attachment A: Add definition of Protected Class; revised definitions of Discourteous Conduct of a Sexual Nature, Discrimination, Harassment, Hazing, Hostile Work Environment, Serious Injury, and Use of Force. Revised Rule Number 18a by replacing reference to SM-01.10, "Operation and Parking of Vehicles on TDCJ Correctional Institutions Division (CID) Unit Property" with SM-02.01, "Search of Individuals, Property, and Vehicles."
- Grammatical and formatting updates were made.

PD-30, "Employee Grievance Procedures" (rev. 8)

- "Dual supervised positions" within the TDCJ no longer exist; therefore, reference to such has been removed throughout the directive.
- Applicability: Replaced "C6" with "C7" for salary group for manager positions; language revised throughout the directive.
- Revised Authority, Employment at Will clause, and Policy statement.
- Added definition of Equal Employment Opportunity Designated Agency Official (EEO-DAO) and Protected Class; revised definitions of Common Use Area, Employment-Related Matter, Equal Employment Opportunity (EEO) Rule Violation, Grievance Meeting, Offender, Reprimanding Authority, State Resources, Support Documentation, and Witness.
- Discussion, Section III: Removed statement that an employee may consider other courses of action if a grievance is not resolved.
- Section I: Removed reference to INFOPAC, as the personnel manual is no longer stored on the mainframe INFOPAC system. Added information, previously located in Section II.F.2, regarding posting the title and address of the unit or department grievance contact on the common use area bulletin board.
- Section II.A.4: Added clarification that an employee is allowed on state property when submitting a grievance.
- Section II.B.1: Revised to state that an employee may submit a grievance related to an employment-related matter.
- Section II.B.2.f-j: Updated the list of non-grievable issues to include: final decisions regarding sick leave donations; issues mandated by law, court order, or otherwise outside the TDCJ's control; an action that has not yet occurred, such as a pending disciplinary or recommendation for dismissal; being required to work during an emergency situation or to provide adequate security coverage, not including a complaint of an unfair rotation requirement; and being selected for drug testing.
- Section II.C.2.b: Revised to state a representative may attend a grievance meeting only if the representative was identified on the PERS 155 when the grievance or rejection to the response was submitted.
- Section II.E.1.e: Added language that the grievance process shall be the appropriate formal avenue to address work-related issues.
- Section II.E.3: Revised section title to "Requested Action or Relief"

- Section II.E.3.b: Revised to state that corrective action or requested relief not include a sanction request against another employee, such as to be disciplined; an inclusion of this type shall be grounds for rejection of the grievance.
- Section II.E.3.c: Added that corrective action or requested relief not include requests to resolve situations already provided for through TDCJ policy or procedures, such as requests for records under the *Public Information Act*, requests for religious or disability accommodation, or an attempt to circumvent policy or procedures, such as a request for transfer if there is an established transfer list or request for a reclassification or desk audit.
- Section II.F.1: Revised to include that the grievant forfeits the right to grieve the dismissal if, within 60 days of the postmark on the initial notification, the certified mail is not accepted by signature or the grievant fails to request the information in person. Similar language updated throughout the directive.
- Section II.F.2: Included instructions for the grievant to consult with the intake officer if there are concerns relating to a conflict of interest regarding the unit or department grievance contact.
- Section II.G.1: Revised to clarify that a grievance related to a one-time incident shall be submitted within 21 calendar days after the date the incident occurred or the grievant first became aware of the incident, unless the executive director, deputy executive director, or the appropriate division director grants an exception and specifies the exception(s) allowed.
- Section II.G.2: Revised to state that if within 60 days of the postmark on the initial notification, the certified mail is not accepted by signature, or the grievant fails to request the information in person, the grievant forfeits the right to grieve the dismissal.
- Section II.G.3: The time limits for submitting a grievance related to continuing conditions has been changed from “any time” to “within 21 calendar days after the date of the last incident.”
- Section II.H.1.b-d: Added language that the unit or department grievance contact shall now also send “any attachments” along with a copy of the PERS 155 to Employee Relations Intake and maintain these attachments with the original PERS 155 pending receipt of a response from intake. Added clarification that the PERS 586, Grievance Tracking Log, is applicable at Step One and available to other steps.
- Section II.H.2.a(3): Added language to include that a grievance may be resubmitted without the EEO claim in accordance with this directive.
- Section II.H.2.b: Deleted redundant language regarding specific requirements of a grievance.
- Section II.I.1.a: Revised language to clarify that grievances not accepted by the intake officer due to an error where there is sufficient time remaining within the initial 21 days may be returned to the grievant through the unit or department grievance contact with the option, but no requirement, to correct and resubmit.
- Section II.I.2: Revised to state that upon receipt of notification, the unit or department grievance contact shall return the original PERS 155 to the grievant, with a copy of the notification, and enter the non-acceptance information on the PERS 586.
- Section II.J: Revised section title to “Grievance Resubmission” and redefined the responsibilities of the grievant for resubmission.
- Section II.K.2: Included the human resources representative as responsible for following the procedures relating to notifying the grievant.
- Section III.A.2.d: Added language requiring the responding authority to complete a PERS 329 if issues raised in the grievance are outside the authority and responsibility of the recipient and require a response from an authority at a higher step; if the recipient is referring the grievance to a designee for a response; or if the issue or request involves a conflict of interest.

- Section III.A.4.b: Revised so that in the case a grievant elects to have grievance returned, the grievance contact shall notify the intake officer, return the original grievance to the grievant, and close the grievance.
- Section III.A.5: Revised to clarify that employees having first-hand knowledge of the events being grieved may serve as witnesses and provide statements to the grievant for submission with their grievance, or when requested to do so by any manager or supervisor.
- Section III.B: Added language to clarify the procedures regarding processing grievances.
- Section III.C: Added directions for scheduling meetings for all grievance steps by a responding authority.
- Section III.G: Added reference to Section III.D.2 in regard to scheduling time frames and notification.
- Section III.G.2.b(2): Added language that the responding authority may consult with the intake officer to determine whether to administratively close the grievance.
- Attachment A, PERS 155: Added Intake Officer Name in the “For Official Use Only” box. Replaced Month/Day of Birth with Payee ID and added Employee Name, and Payee ID at the top of pages two, three, and four. Added language indicating that the complaint, adverse effect, and requested relief shall be consistent with PD-30 to avoid rejection.
- Attachment B, PERS 586: Revised the titles of columns.
- Attachment C, PERS 329: Removed “Grievance concerns a TDCJ wide policy,” and added “Conflict of interest” as an explanation for referral of a grievance.
- Attachment D, PERS 491: Added option for a grievance meeting to be held by video; reorganized and updated various sections for clarity and efficiency; updated *Americans with Disabilities Act* accommodation language.
- Grammatical and formatting updates were made.