

AUGUST 2018 PERSONNEL MANUAL UPDATE SUMMARY OF REVISIONS

EXECUTIVE DIRECTIVES:

PD-17, “Drug-Free Workplace” (rev. 6)

- Updated Applicability and Employment at Will clause.
- Revised Policy statement to include illicit drugs; added equal employment, nondiscrimination, and zero-tolerance statements.
- Added definitions for Alternate Specimen, Correctional Career Position, Evidential Breath Testing Device, Hair Specimen, Health Care Provider, Health Care Provider’s Statement, Illicit Drug, Medical Fact, and Supervisor; revised definitions of Alcohol Test, Alcohol Use, Collection Site, Contracted Vendor, Drug Test, Employee, Negative Alcohol Test Result, Outside Final Applicant, Positive Alcohol Test Result, Substance Abuse, Trainee, Verified Positive Drug Test Result, and Workday; and removed definition of Unit Pay Differential.
- Discussion, Section I: Revised to remove specification of only workplace dangers related to substance abuse.
- Section II: Revised to specify the TDCJ addresses substance abuse in the workplace.
- Procedures, Section I: Removed availability of TDCJ *Personnel Manual* on the mainframe INFOPAC system.
- Section II.B: Clarified procedures if an employee’s job performance appears to be affected.
- Section II.C: Added language that original prescription containers brought onto TDCJ premises shall contain no more than the label indicates.
- Section III.A: Added language regarding types of specimens used for alcohol and drug testing.
- Section III.C: Revised section regarding time reporting for alcohol and drug tests to include random testing as time worked.
- Section III.E: Added language to include that an employee’s violation of releasing confidential information shall also subject them to any other applicable penalties or liabilities under law.
- Section IV.A.1.c: Removed language that excluded an employee reinstated through a grievance from drug testing.
- Section IV.A.1.d-f: Revised language procedures for drug testing of an applicant who is required to operate a commercial vehicle; drug test procedures for outside applicants not required to attend the physical agility test; and trainees reporting for physical agility test being advised of the drug test requirement.
- Section IV.A.2.b(2): Revised language regarding future employment consideration for applicants who refuse to test, tamper with a specimen or have a positive test result.
- Section IV.B.1.a: Revised to reference “current and” specific conduct or symptoms in regard to probable cause for reasonable suspicion testing.
- Section IV.B.1.e: Section related to reasonable suspicion testing on employees arrested for a drug related offense has been removed.
- Section IV.B.2.a: Revised language regarding supervisor and SCO responsibilities for clarity.
- Section IV.C.2: Added a provision that employees shall not be removed from duty pending the random drug test result or pending a rescheduled test.
- Section V: Added information related to employee voluntary admission to a substance abuse problem.

- Section VI.A.4–5: Revised the treatment agreement criteria to include that an employee may not be pending a violation of the provisions of this directive; and an employee shall not have entered into an agreement within the last five years. If they have entered an agreement within the last five years and admit to drug abuse, the employee shall be subject to disciplinary action for not complying with a drug-free workplace.
- Section VI.C: Revised procedures for the EAP counselor and the return to duty letter. If a return to duty letter from the EAP counselor is not provided, the employee’s leave shall be processed in accordance with PD-46.
- Section VI.D: Included instructions for the employee to notify the SCO of any permanent or long-term medical condition that would prevent them from providing a return to duty breath or urine specimen.
- Section VI.D.3: Revised to permit the SCO to email the return to duty letter to the human resources representative.
- Section VI.D.3.a: Revised to state the human resources representative shall provide the employee with a “copy” of the return to duty letter.
- Section VI.D.3.b: Revised to state the human resources representative shall maintain a copy of the return to duty letter as needed for leave documentation.
- Section VI.D.4: Added a section to identify the outcome for a failure to have negative return to duty drug or alcohol test.
- Section VI.E.1.b: Revised to make all employees, not only supervisors, subject to disciplinary action for disclosing testing dates to other employees.
- Section VII.A.2: Removed reference to applicants, since applicants are not subject to alcohol testing.
- Section VII.B.1: Revised to include that applicants may also request the collector’s identification.
- Section VII.B.5: Added that alternate specimens may be used in accordance with the directive.
- Section VII.C: Revised and reorganized to clarify processes regarding an applicant or employee’s refusal to test.
- Section VII.D: Reorganized section to provide specific instructions regarding the inability to provide an adequate specimen for pre-employment, pre-assignment, or random drug tests; reasonable suspicion alcohol and drug tests; and return to duty and follow-up alcohol and drug tests.
- Section VII.E: Reorganized section and clarified the roles of the medical review officer and the SCO during the review of drug test results.
- Section VII.F: Clarified procedures for retesting requests.
- Previous Section VII “Activities Subjecting an Employee to Disciplinary Action,” was deleted to eliminate redundancy.
- Section VIII.A: Revised to explain the impact of a failure to have a negative test result on future employment eligibility with the TDCJ for outside applicants and current employees.
- Section VIII.B: Revised to instruct on addressing an employee who admits having a substance abuse problem.
- Updated attachments for consistency with language found in the directive.
- Grammatical and formatting updates were made.

PD-49, “Leaves Other than Medical and Parental” (rev. 12)

- Updated Employment at Will clause.

- Added definition for Veteran; revised definitions of Correctional Career Position, Essential Employee, Leave Without Pay (LWOP) Calendar Day, Informal Marriage, Non-Essential Employee, and Spouse.
- Discussion: Added reference to PD-27, “Employment Status Pending Resolution of Criminal Charges or Protective Orders.”
- Procedures, Part A, Sections II.B.1.a; II.C.2; and III: Removed reference to unit pay differential.
- Part A, Section I.B.1.b: Revised to include instructions that an employee shall not take leave not already accrued.
- Part B, Section I.B: Clarified reference to employee’s shift.
- Part B, Section II.D: The required documentation for requesting administrative leave, due to officially closed roadways, shall now be submitted within five workdays after returning to work. Added clarification that documentation must include official written clarification of specific official road closures.
- Part B, Section II.E.1: Clarified approval or denial process; a decision memorandum and PERS 24 shall be submitted “within 15 calendar days” for concurrence or non-concurrence.
- Part B, Section V: Added section regarding the entitlement for administrative leave up to fifteen workdays each fiscal year to obtain medical or mental health care for veterans under a program administered by the Veterans Health Administration, pursuant to the requirements of SB 73, 85th Legislative Session.
- Part B, Section VI.A: Included stipulation that the executive director may grant additional days of administrative leave, when the best interest of the employee and TDCJ would be served.
- Part B, Section VI.A.1: Replaced “statewide elections” with “national, state, or local election” to align with language in Texas Government Code § 661.914.
- Part B, Section VI.A.3–5, 7, and 9–10: Added that supporting documentation is required for the requested administrative leave.
- Part B, Section VI.A.8: Replaced “supervisor” with “warden or department head.”
- Part C, Section I.B.1.e: Added an additional leave without pay category, LWOP-Criminal History (CH).
- Part C, Section I.B.5–6: Added reference to the new LWOP category, LWOP-CH.
- Part C, Section I.E: Removed section from directive, as it relates to information that is explained by the human resources representative to the employee regarding the impact on other employee contributions while on leave without pay.
- Part C, Section IV: Added section for procedures regarding LWOP-Criminal History.
- Attachment A, PERS 24: Replaced social security number with Payee ID number, and replaced all references of disapproved with denied. Added new categories of administrative leave for Adverse Weather and Veterans Health Administration Leave to include indication that a DM is required for Adverse Weather; and combined the State Firefighting Volunteer Training with the State EMS Volunteer Training category. Revised Section III, Leave Without Pay, by including a description of (FML, Sick Leave, Workers’ Comp) after LWOP/Medical; and removed the recently added checkbox and category for LWOP/General.
- Attachment B, PERS 571: Revised form to be consistent with the PERS 571 as published in PD-44, “Retirement Benefits” (rev. 8), effective April 1, 2016.
- Attachment C, PERS 638: New form titled “Veterans Health Administration Leave.”

- Attachment D, PERS 302: Replaced social security number with Payee ID number.
- Grammatical and formatting updates were made.

PD-71, “Selection System Procedures” (rev. 13)

- Revised Employment at Will clause and Policy statement.
- “Dual supervised positions” within the TDCJ no longer exist; therefore, reference to such has been removed throughout the directive.
- Deleted definitions of Administrative Supervision, Dual Supervised Position, Line of Supervision, and Technical Supervision; added definitions for Classified Position, Targeted Career Position, Veteran, and Veteran with a Disability; and revised definitions of Veteran’s Employment Preference.
- Procedures related to the contact person on job postings, selection reviewer, primary interviewer, co-interviewer, and Request to Fill Eform for dual supervised positions have been removed from the directive.
- Section I.B.2.a: Revised to state that a selection reviewer may be outside the position’s chain of supervision as a result of absence, conflict of interest, or other circumstances.
- Section I.B.3.b: Added language that an employee may not serve as an additional representative until they have completed PD-71 Manager’s Training.
- Section V.A.2: Revised for clarity.
- Section VII.D.3: Revised language that a former employee with a status code of DS067 (termination for cause) shall be ineligible for employment consideration with the TDCJ for five years.
- Section X.E: Added to state that document screening criteria and results shall be included in the selection packet.
- Section XIII.A.1: Replaced “race, color, religion, sex (gender), national origin, age, disability, or genetic information” with “protected class.”
- Section XIV.B.6, introduction, paragraph 2: Revised to be consistent with current position titles.
- Section XV.A.2: Revised statement to include adherence to veteran reinstatement or veteran and foster employment preference procedures.
- Section XVII.B: Added language that a selected applicant who is a former employee with a DS067 status code may be eligible for employment after five years with the approval of the division director and executive director.
- Section XVIII.E: Removed detailed instructions regarding pre-employment and pre-assignment drug testing procedures, since these are currently explained in PD-17 and PD-37.
- Section XVIII.F: Added language regarding failure to have a negative drug test result, to include the period of time for employment ineligibility due to such test failure.
- Attachments were updated for concurrence with language found in the directive.
- Grammatical and formatting updates were made.