

SUBJECT: Texas Department of Criminal Justice personnel policies

COMMITTEE: Corrections — committee substitute recommended

VOTE: 9 ayes — Haggerty, Farrar, Allen, Hodge, Ellis, Gray, Hopson, Isett, Ritter
0 nays

WITNESSES: For — Brian E. Olsen, AFSCME/CECT; Willie King, AFSCME; *Registered but did not testify:* Walter Hinojosa, Texas AFL-CIO
Against — None
On — Wayne Scott, Texas Department of Criminal Justice

DIGEST: CSHB 3185 would require the Texas Department of Criminal Justice (TDCJ) to study certain personnel policies in conjunction with the Texas Board of Criminal Justice, conduct exit interviews with employees leaving the agency, and issue annual reports about employee grievances. It also would require specific actions involving the agency's career ladder and would require agency management to meet with employees on a regular basis.

This bill would take effect September 1, 2001.

Studying personnel policies. CSHB 3185 would require TDCJ and the Texas Board of Criminal Justice's human resource committee and any other committee working with human resources to review the following policies and make recommendations for changes:

- ! career ladders;
- ! professional development of correctional officers and supervisory personnel;
- ! labor-management cooperation, recruitment, and retention policies; and
- ! disciplinary and grievance procedures.

TDCJ and the board's committees would have to submit a biennial report to the Legislature about these matters.

Career ladder. TDCJ would have to develop a career ladder program to help the institutional (prison) division to retain professionally qualified employees. The program would have to base advancement on an employee's annual performance evaluation, years of experience, and hours of completed training. TDCJ would have to promote a correctional officer candidate to the level of Texas Law Enforcement Correctional Officer on completion of the required training hours and the years of experience required.

TDCJ would have to develop training programs necessary to give employees the opportunity for advancement; develop a training program consisting of a combination of annual in-service training and specific supervisory training and testing for promotion to correctional officer supervisory positions; and give employees the opportunity to complete the training programs necessary for advancement.

Employees who met the experience qualifications on or before September 1, 2001, automatically would be certified as Texas Law Enforcement Correctional Officers.

Exit interviews. TDCJ would have to adopt a policy of conducting exit interviews when institutional division employees end employment with the agency. Employee participation in the interviews would be voluntary, and the agency would not have to conduct exit interviews of employees terminated against their will. TDCJ would have to encourage employees to state in their own words why they were ending employment and to analyze the responses to exit interviews on the basis of employees' age, gender, race or ethnicity, years of service, rank, and duty location. TDCJ would have to adopt the exit interview policy by October 1, 2001.

Report on employment grievances. TDCJ would have to submit to the board an annual report on the process used to resolve employment-related grievances. The report would have to include the number of grievances filed, a brief description of each grievance, and the disposition of each grievance.

Meetings with employees. TDCJ would have to implement policies mandating bimonthly labor-management meetings between each regional director or assistant regional director and employees selected by the department or employees chosen by employees selected by the department. At the meetings, both parties would have to have an opportunity to improve labor-management relations by addressing issues selected by the parties. Regional directors would have to submit a report on each meeting to the director of the institutional division. The director would have to conduct statewide meetings with employee representatives.

SUPPORTERS
SAY:

CSHB 3185 would ensure that, at this critical time in the growth of state's vastly expanded correctional system, TDCJ focuses on important personnel issues that sometimes have gone unaddressed. CSHB 3185 would not infringe on TDCJ's flexibility or authority. It would set broad guidelines and requirements for important state policy issues but would leave their implementation to the agency.

Requiring a study of the agency's personnel policies — including recruitment and retention policies — and a report to the Legislature on the findings could help the agency and legislative leaders identify why TDCJ has a turnover rate of almost 23 percent and a high vacancy rate and what could be done about these problems. Prison security and employee safety can depend on keeping well-trained employees, and this study could facilitate that.

Although TDCJ already has a career ladder, CSHB 3185 would ensure that the ladder for institutional division employees used appropriate criteria for advancing workers. The bill would formalize the criteria so that management and staff knew what would be considered. TDCJ's career ladder would continue to be governed by the general appropriations bill, which establishes correctional officer positions and appropriates funds to pay the officers.

Requiring the promotion of officers meeting certain criteria to the level of Texas Law Enforcement Correctional Officer would ensure that career ladder advancement was available to all who met the criteria. CSHB 3185 would not infringe on TDCJ's authority, because the agency would set the specific requirements for advancement using the broad criteria in the bill. The training requirements in CSHB 3185 would not be burdensome, because the agency already has training programs for career advancement.

The new title would not create a position analogous to peace officers involved in law enforcement. Texas Law Enforcement Correctional Officers would remain in state classification Schedule A and would not be placed in Schedule C, which is reserved for law enforcement officers.

Requiring exit interviews of employees leaving the agency would help the agency study retention efforts and would allow state leaders and others to monitor how the agency is dealing with this issue. The agency already is conducting exit interviews at some prison units, so it would not be a problem for TDCJ to begin doing this at all units.

A report on employment-related grievances would ensure that TDCJ took a broad look at grievances and would allow others to study how the agency dealt with these issues. The agency already keeps records of grievances, so it would not be burdensome to develop an annual report with the information.

Mandatory management-employee meetings would formalize dialogue and interaction between the two groups. This could keep the lines of communication open between them and help resolve problems before they escalate. TDCJ management already meets with employees, and CSHB 3185 would ensure that these meetings were regular and agency-wide.

CSHB 3185 should not include provisions for binding arbitration for employee grievances, because this would eliminate authority and flexibility that is necessary for the agency to operate.

OPPONENTS
SAY:

CSHB 3185 could reduce the flexibility of TDCJ to manage its personnel policies. As a large agency with diverse needs, TDCJ should be given broad guidelines and allowed to develop specific policies.

For example, CSHB 3185 would require the agency to promote certain correctional officers and to hold specific types of meetings. If this bill were enacted and TDCJ later needed to change these policies, the Legislature would have to change the law, which could be more cumbersome and time-consuming than having the TDCJ board change agency policies.

OTHER
OPPONENTS
SAY:

The title Texas Law Enforcement Correctional Officer should not be mandated for correctional officers who meet specified criteria. This title is too similar to ones used for law enforcement officers, who undergo specific training, are certified by the Texas Commission on Law Enforcement Officer Standards and Education, and are listed under Schedule C of the state classification schedule. It would be inappropriate to use this title for prison correctional officers.

CSHB 3185 should allow TDCJ and employees to enter into binding arbitration for employee-related grievances, subject to approval of the employee. This would ensure that a third party could be become involved in a grievance that could not be resolved satisfactorily.

NOTES:

The committee substitute made many changes to the original bill, including eliminating a requirement that the TDCJ board create a committee on professional standards and labor oversight; eliminating requirements for the agency's employment-related grievance procedure, including allowing the agency and employees to enter into binding arbitration, subject to employees' approval; adding the requirement for exit interviews; changing the required management-employee meetings to bimonthly from monthly; and changing who would have to be involved in the meetings.