

Texas Department of Criminal Justice
GUIDELINES FOR EMPLOYEE HEARINGS

Employee Name: _____ SSN: _____
 Last First MI

1. Request for an Extension: If you are on approved sick leave at the time the PERS 184, Notification of Employee Hearing was provided to you, you may make a one time request for the employee hearing date to be rescheduled within 30 calendar days. This request shall be made within 48 hours of receipt of this form, made in writing or made orally with a written follow-up. You shall state the specific reason an extension is necessary. The reprimanding authority may deny the request; however, the reprimanding authority shall provide you with a written explanation for denying the request.
2. Hearings may be conducted in person, telephonically, or by video conference, in accordance with location constraints. An employee participating in a telephonic hearing shall do so at a TDCJ office.
3. Presenting Your Defense and Use of a Representative: During the employee hearing, you may elect to speak for yourself or be represented at the employee hearing by a designee of your choice, as long as your representative: (1) does not claim the right to strike; and (2) is not an individual under the supervision or custody of the TDCJ. The designation of a representative does not prohibit you from: (1) attending or having input into the employee hearing; or (2) responding to questions from the reprimanding authority or designee, or your designated representative.
 - a. An employee hearing is administrative in nature and is not subject to common law or statutory rules of evidence. Objections at the employee hearing by you or your representative will be limited to TDCJ policy and procedural issues that pertain to the employee hearing.
 - b. At the beginning of the employee hearing, you shall specify whether your representative is the party responsible for presenting your defense. Both you and your representative may provide information to the reprimanding authority for consideration. However, only one person may be designated as the party responsible for presenting your defense, and only one person may speak at a time. Regardless of the party responsible for presenting your defense, you and your representative will be allowed to have quiet conversations regarding information that may be provided to the reprimanding authority.
4. Witnesses on Your Behalf: You may elect to have witnesses with first hand knowledge of the events under review provide testimony on your behalf. The TDCJ is under no obligation to interview or consider testimony from character witnesses or witnesses with “hearsay” information. Prior to the hearing, it is your responsibility to: (1) obtain statements from witnesses for presentation at the employee hearing; (2) provide any written questions for witnesses to the reprimanding authority; or (3) arrange for witnesses to be available to present testimony during the hearing at the reprimanding authority’s discretion. If you provide written questions, the reprimanding authority or designee is not required to ask these questions. If the reprimanding authority elects to ask the witnesses these questions, this may occur prior to or after the employee hearing. If witnesses are available to appear in person at the employee hearing, the reprimanding authority has the discretion to determine whether the witnesses are questioned. Witnesses who are available to appear on the employee’s behalf shall be available at no expense to the TDCJ other than the recording of such time as time worked.
5. Witnesses Appearing on Behalf of the Reprimanding Authority: At the reprimanding authority’s discretion, you may be allowed to ask questions of any person who appears at the employee hearing as a witness against you.
6. Conduct by Participants: All parties, including your representative, shall conduct themselves in a professional manner and afford the persons present due respect. Only one reminder of the conduct expected at the employee hearing may be issued. The offending party may be required to leave the proceedings if conduct that is contradictory to these guidelines continues. If you or your representative leaves during the proceedings, the employee hearing may be conducted and concluded in your or your representative’s absence.
7. Recording of an Employee Hearing: Audiotaping, videotaping, or verbatim written recording of an employee hearing is not permitted. Note taking is permissible.
8. *Americans with Disabilities Act* (ADA) Accommodation: You shall notify the TDCJ accommodation coordinator, Employee Relations, Human Resources Division, if you require an accommodation.

9. Time Reporting and Expenses:

- a. Your attendance at the employee hearing or attendance by an employee acting as a witness will be considered official business, and you and any employee acting as a witness will be released by the supervisor on paid time during working hours. You and any employee acting as a witness shall provide sufficient advance notice to the supervisor to ensure adequate staffing.
- b. There is no authority for the TDCJ to pay compensation to or reimburse the expenses of a representative, whether the representative is a state employee or an individual from outside state service. Appearance as a representative at an employee hearing will not be considered official business. If an employee acting as a representative attends an employee hearing held during working hours, that employee shall obtain prior approval to use accrued leave or, if accrued leave is not available, leave without pay to attend the employee hearing.

- 10. Copies of Investigative Files: At the time of this notification, you were provided a copy of the applicable prehearing investigation report along with support documentation that is subject to disclosure and being used as evidence. In order to obtain copies of evidence that is not subject to disclosure, such as confidential portions of OIG and EEO reports, you shall request the documents in writing through a public information request. The request will be processed in accordance with the rules governing a public information request, and the requested documents may not be available before the employee hearing.
- 11. Dismissal Recommended: If the employee hearing results in a dismissal recommendation, you will have the opportunity to request independent dismissal mediation in accordance with PD-35, "Independent Dismissal Mediation and Dispute Resolution."
- 12. Grievance: You may submit a grievance in accordance with PD-30, "Employee Grievance Procedures" relating to disciplinary action after it has been imposed.

Employee Signature

(mm/dd/yyyy)