

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-33 (rev. 4), "TRAINEE MANAGEMENT"
JANUARY 1, 2017
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TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

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DATE: January 1, 2017
PAGE: 1 of 11
SUPERSEDES: PD-33 (rev. 3)
June 1, 2012

EXECUTIVE DIRECTIVE

SUBJECT: TRAINEE MANAGEMENT

AUTHORITY: Tex. Gov't Code § 493.001, 493.006(b), 493.007

APPLICABILITY: Employees of the Texas Department of Criminal Justice (TDCJ) who are attending: (1) the Pre-Service Correctional Training Course or Non-Correctional Officer Training Course at the TDCJ Correctional Institutions Division's Pre-Service Training Academy (PSTA); (2) the TDCJ Parole Division's Parole Officer Entry Level Training Academy (POTA); or (3) the Office of Inspector General Training Academy (OIGTA)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the executive director's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the TDCJ and **do not** create any legally enforceable interest or limit the executive director's, deputy executive director's or division directors' authority to terminate an employee at will.

POLICY:

Employees attending the PSTA, POTA, or OIGTA are representatives of the TDCJ and are expected to adhere to the highest standards of conduct while on- or off-duty, including adherence to the rules of conduct described in the Listing of Academy Rule Violations (Attachment A). Employees who commit a rule violation will be subject to disciplinary action in accordance with the procedures within this directive.

The TDCJ promotes equal employment opportunity without regard to race, color, religion, sex (gender), national origin, age, disability, or genetic information. The TDCJ has zero tolerance

for all forms of employment discrimination. Harassment or retaliation for opposing or reporting employment discrimination is prohibited.

DEFINITIONS:

“Academy” includes the PSTA, the POTA, and the OIGTA.

“Medical Review Officer” (MRO), for the purpose of this directive, is a licensed physician under contract with the TDCJ’s contracted vendor responsible for receiving and reviewing laboratory results generated by the TDCJ’s drug testing program and evaluating medical explanations for certain drug test results.

“Negative Drug Test Result,” for the purpose of this directive, is a test result revealing no presence of drug(s), other than the presence of a drug for which the MRO has determined that a legitimate medical explanation exists.

“Trainee,” for the purpose of this directive, is an employee attending a training academy, or still in a trainee status.

“Training Director,” for the purposes of this directive, is one of the following:

- PSTA: The director of TDCJ Correctional Institutions Division (CID) Correctional Training and Staff Development;
- POTA: The training specialist VI of TDCJ Parole Division Staff Services; or
- OIGTA: The appropriate Office of the Inspector General (OIG) regional manager.

PROCEDURES:

The procedures in this directive are applicable from the time a trainee enters the PSTA, POTA, or OIGTA until the end of the trainee’s enrollment in the academy.

I. Separation of Employment Due to Failure to Have a Negative Drug Test Result

If a trainee fails to have a negative pre-assignment drug test result in accordance with PD-17, “Drug Free Workplace,” the training director or designee shall provide the trainee with a Letter of Separation Due to Failure to Have a Negative Drug Test Result (Attachment B).

II. Remedial Actions for Other Academy Rule Violations

When a trainee violates an academy rule, the remedial action will consist of demerit assessment, PSTA reassignment, or academy separation in accordance with the Listing of Academy Rule Violations. A remedial action is not a disciplinary action, and a trainee may not grieve such an action through the TDCJ’s grievance procedures.

A. Demerit Assessment

The training instructor or academy supervisor shall provide the trainee with a copy of the PERS 484, Academy Demerit Assessment Notification (Attachment C), indicating the reason for the demerit assessment. The trainee may provide comments and shall acknowledge receipt of the PERS 484 form by signing in the space provided. It is the responsibility of the academy supervisor to maintain a record of the number of demerits assessed.

If the trainee refuses to sign, the date and time shall be indicated in the comments section, "Refused to Sign" shall be written in the trainee signature space, and the training instructor and one witness shall sign and date the PERS 484.

B. Reassignment Due to Pre-Service Training Academy Rule Violations

PSTA trainees may be reassigned to another PSTA in accordance with the Listing of Academy Rule Violations, subject to the approval of the training director or designee. The trainee may be reassigned into an existing class at another location or a subsequent class at the same location. The trainee shall be separated upon an additional rule violation.

C. Academy Separation

The training director or designee shall provide a Trainee Separation Letter Due to Academy Rule Violation (Attachment D) to a trainee who is being separated. The training director or designee shall provide the appropriate human resources representative a copy of this letter to be attached to the Payroll Status Change, filed in the Human Resources Section of the Training Department, and sent to the employee's master human resources file.

III. Equal Employment Opportunity Allegations

The following general reporting guidelines shall be followed:

- A. Academy staff shall notify Employee Relations Intake of any Equal Employment Opportunity (EEO) allegation.
- B. The Employee Relations manager shall determine whether the allegation meets the criteria for initiating an EEO investigation.
- C. If Employee Relations initiates an EEO investigation:
 - 1. Employee Relations shall advise the training director or designee of the results of the investigation;

2. If applicable, the training director or designee shall process and enforce the academy rule violation as appropriate; and
3. If applicable, the training director or designee shall forward the separation documents by fax or scanned email, followed by mailing a copy to Employee Relations for inclusion in the file.

D. If Employee Relations does not initiate an EEO investigation:

1. Employee Relations shall advise the training director or designee to proceed with any appropriate non-EEO action; and
2. The training director or designee shall advise Employee Relations whether action was taken, and what the action involved.

IV. Disciplinary Action Process Due to TDCJ Rule Violations

A. General Provisions

A trainee is subject to disciplinary action in accordance with this directive and PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees," if the trainee violates an employee general rule of conduct identified in PD-22 that is not an academy rule violation. The training director or designee will serve as reprimanding authority.

B. Trainee Status Pending Employee Hearing

The trainee will not be removed from duty pending the Employee Hearing unless the trainee is disruptive or appears to pose a threat to the trainee's self or others. In such an instance, the training director or designee may relieve the trainee from duty until the hearing. A trainee relieved from duty shall use available accrued leave. If accrued leave is not available, the trainee shall be placed in leave without pay (LWOP) status. Prior to relieving a trainee from duty pending the Employee Hearing, the training director or designee shall obtain approval from the following appropriate higher authority:

1. PSTA trainee: Deputy director for CID - Management Operations;
2. POTA trainee: Deputy director for the Parole Division – Management Operations; or
3. OIGTA trainee: OIG deputy director.

C. Dismissal Recommendation

When a trainee is recommended for dismissal, the procedures in PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees,” shall be followed.

D. Independent Dismissal Mediation

Trainees who have been recommended for dismissal will be allowed an opportunity to participate in the Independent Dismissal Mediation process specified in PD-35, “Independent Dismissal Mediation and Dispute Resolution.”

If the dismissal recommendation is overturned, the trainee will be required to begin and complete another academy. The trainee will be placed in LWOP status pending the start of another academy. The academy’s human resources representative shall ensure the trainee is notified of the date to return to the academy.

V. Grievances

A trainee may submit a grievance on any matter of concern or dissatisfaction related to any employment-related matter in accordance with the provisions of PD-30, “Employee Grievance Procedures.” Issues that are non-grievable include dismissal; separation based on a verified, confirmed positive alcohol or drug test result; and remedial action for an academy rule violation, to include demerit assessment, PSTA reassignment, or academy separation.

Bryan Collier
Executive Director

Texas Department of Criminal Justice
Listing of Academy Rule Violations
Resulting in Trainee Separation, PSTA Reassignment, or Demerit Assessments

These academy rules apply to the PSTA, POTA, and OIGTA trainees unless the rule violation indicates otherwise. Remedial actions for academy rule violations are progressive in nature and any subsequent rule violations will result in sanctions more severe than those previously imposed. If a trainee violates an employee general rule of conduct identified in PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees,” that is not an academy rule violation, the training director or designee will serve as reprimanding authority and proceed with discipline in accordance with PD-22. Otherwise, the trainee will be subject to the disciplinary process as set forth in PD-33, “Trainee Management.”

Rule #	Rule Violation Description	Remedial Action Guidelines			
		First Violation	Second Violation	Third Violation	Fourth Violation
1.	Accumulation of four demerits	PSTA: Reassignment or Separation ⁽³⁾ POTA and OIGTA: Separation	PSTA: Separation	N/A	N/A
2.	Cheating	Separation	N/A	N/A	N/A
3.	Consensual sexual conduct on state property with a coworker or staff member other than the trainee’s spouse ⁽¹⁾	Separation	N/A	N/A	N/A
4.	Failure to achieve a score of 75% on each test for PSTA; 80% on each test for POTA and OIGTA	PSTA and POTA: One Demerit/Retest; Separation upon failure of retest OIGTA: Separation	Separation upon failure of retest	N/A	N/A
5.	Failure to qualify with firearms or refusal to participate in exposure to TDCJ chemical agents as required (PSTA or OIGTA trainees only) ⁽²⁾	Separation	N/A	N/A	N/A
6.	Refusal to participate in firearms familiarization including range firing (POTA trainees only)	Separation	N/A	N/A	N/A
7.	Refusal to participate in TDCJ chemical agents training (no exposure) as required (PSTA or POTA trainees only)	Separation	N/A	N/A	N/A
8.	Physical confrontation or altercation with another employee	Separation	N/A	N/A	N/A
9a.	Horseplay with injury	Separation	N/A	N/A	N/A
9b.	Horseplay without injury	Two Demerits	PSTA: Reassignment or Separation ⁽³⁾ POTA and OIGTA: Separation	PSTA: Separation	N/A

**Texas Department of Criminal Justice
Listing of Academy Rule Violations**

Resulting in Trainee Separation, PSTA Reassignment, or Demerit Assessments

Rule #	Rule Violation Description	Remedial Action Guidelines			
		First Violation	Second Violation	Third Violation	Fourth Violation
10.	Leaving security/duty post	Separation	N/A	N/A	N/A
11.	Sleeping in class	PSTA: Two Demerits POTA and OIGTA: Separation	PSTA: Separation ⁽³⁾	N/A	N/A
12.	Insubordination (shall be clearly defined)	Separation	N/A	N/A	N/A
13.	Conviction of a misdemeanor (other than offense involving domestic violence or a drug-related offense)	Two Demerits or Separation ⁽³⁾	Separation	N/A	N/A
14.	Unexcused absence (one hour or more)	PSTA: Two Demerits, Reassignment, or Separation ⁽³⁾ POTA and OIGTA: Separation	PSTA: Separation	N/A	N/A
15.	Misconduct (shall not be chargeable under any other violation and shall be clearly defined)	PSTA: Two Demerits, Reassignment, or Separation ⁽³⁾ POTA and OIGTA: Two Demerits or Separation ⁽³⁾	Separation	N/A	N/A
16.	Failure to comply with TDCJ approved housing, dormitory, or visitation rules	Two Demerits	Removal from TDCJ Approved Housing or Dormitory	N/A	N/A
17.	Use of profane or abusive language ⁽⁴⁾	Two Demerits	PSTA: Reassignment or Separation ⁽³⁾ POTA and OIGTA: Separation	PSTA: Separation	N/A
18.	Verbal altercation with another employee	Two Demerits	PSTA: Reassignment or Separation POTA and OIGTA: Separation	PSTA: Separation	N/A
19.	Substandard duty performance	Two Demerits	PSTA: Reassignment or Separation ⁽³⁾ POTA and OIGTA: Separation	PSTA: Separation	N/A
20.	Failure to maintain proper hygiene	One Demerit	Two Demerits	Separation	N/A

Texas Department of Criminal Justice Listing of Academy Rule Violations

Resulting in Trainee Separation, PSTA Reassignment, or Demerit Assessments

Rule #	Rule Violation Description	Remedial Action Guidelines			
		First Violation	Second Violation	Third Violation	Fourth Violation
21.	Failure to observe tobacco or alcohol rules	PSTA: Two Demerits POTA and OIGTA: One Demerit	PSTA: Reassignment or Separation ⁽³⁾ POTA and OIGTA: Two Demerits	Separation	N/A
22.	Failure to participate in or pass physical training or other curriculum requirements	PSTA and OIGTA: Separation POTA: One Demerit	POTA: Two Demerits	POTA: Separation	N/A
23.	Failure to remain attentive in class	One Demerit	Two Demerits	Separation	N/A
24.	Failure to provide emergency contact number	One Demerit	Two Demerits	Separation	N/A
25.	Failure to report use of prescription drugs	Two Demerits	Separation	N/A	N/A
26.	Failure to secure vehicle	Two Demerits	Separation	N/A	N/A
27.	Failure to comply with uniform, attire, or grooming standards	One Demerit	One Demerit	One Demerit	Separation
28a.	Failure to follow proper safety procedures without injury	Two Demerits	Separation	N/A	N/A
28b.	Failure to follow proper safety procedures resulting in injury	Separation	N/A	N/A	N/A
29.	Tardiness (less than one hour)	One Demerit	One Demerit	One Demerit	Separation
30.	Unauthorized sales or solicitations on state premises	One Demerit	Two Demerits	Separation	N/A
31.	Negligent operation of an agency vehicle	Two Demerits	Separation	N/A	N/A
32.	EEO violation ⁽⁵⁾	Separation	N/A	N/A	N/A
33.	Failure to maintain possession of state issued property	One Demerit	Two Demerits	Reassignment or Separation ⁽³⁾	Separation
34.	Failure to obey a proper order from an authority, including written academy rules	Two Demerits	Reassignment or Separation ⁽³⁾	Separation	N/A
35.	Incidental introduction of contraband into a correctional facility	Two Demerits	Reassignment or Separation ⁽³⁾	Separation	N/A

⁽¹⁾ Upon becoming aware of a violation involving a trainee and a co-worker or staff member, the training director shall contact an Employee Relations intake officer in accordance with PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature" and shall not separate the trainee until approval has been received from the manager for Employee Relations.

⁽²⁾ An employee fails to complete the firearms portion of the class if the employee commits an unsafe act with a live firearm or fails to achieve a 70% score.

⁽³⁾ The mitigating circumstances considered in the decision to separate an employee shall be documented in the trainee separation letter from the training director.

⁽⁴⁾ An isolated remark or a comment not directed to anyone in particular may be considered profane or abusive language.

⁽⁵⁾ Upon becoming aware of an EEO allegation by or toward a trainee, such as sexual harassment, discourteous conduct of a sexual nature, use of offensive words or actions – protected class, or discrimination based on a person's age, race, sex (gender), religion, national origin, disability, color, genetic information, or retaliation for previously complaining of or participation in a complaint of an EEO allegation, the training academy staff shall contact an Employee Relations intake officer in accordance with PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature," and PD-31, "Discrimination in the Workplace," and shall not separate the trainee until approval has been received from Employee Relations.



Texas Department of Criminal Justice

Bryan Collier
Executive Director

LETTER OF SEPARATION DUE TO FAILURE TO HAVE A NEGATIVE DRUG TEST RESULT

Date: _____

To: _____ Month/Day of Birth: _____
(mm/dd)

RE: Separation of Employment Due to Failure to Have a Negative Drug Test Result

This correspondence is formal notice that you have not been cleared for continued employment with TDCJ and you are being separated from employment effective this date because of failure to have a negative drug test result. This failure is due to:

- A refusal to test.
- Not providing an adequate specimen.
- Specimen tampering.
- The results of your pre-assignment drug test were positive, and the medical review officer informed the TDCJ that:
 - You did not request a retest of your original specimen.
 - Your retest was positive.
 - There is no valid reason for the positive test results.

You are not eligible for any future employment with TDCJ.

Sincerely,

(Title)

Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.

P.O. Box 99
Huntsville, Texas 77342-0099
www.tdcj.texas.gov

**Texas Department of Criminal Justice
ACADEMY DEMERIT ASSESSMENT NOTIFICATION**

Date: _____ Time: _____

Trainee Name or Number: _____ Month/Day of Birth: _____
(mm/dd)

Charged with violation of Academy Rule Number/Description: _____

according to the Listing of Academy Rule Violations (Attachment A to PD-33).

I, _____, Trainee Number _____, am providing the following statement:
(Print) First Name MI Last Name (if applicable)

Trainee Signature

Date (mm/dd/yyyy)

Note to Trainee: With few exceptions, you are entitled upon request: (1) to be informed about the information the TDCJ collects about you; and (2) under Texas Government Code §§ 552.021 and 552.023, to receive and review the collected information. Under Texas Government Code § 559.004, you are also entitled to request, in accordance with TDCJ procedures, that incorrect information the TDCJ has collected about you be corrected.

Disposition:

Number of demerits assessed for this violation: _____ Total number of demerits assessed to date: _____

Counsel by Training Instructor

Training Instructor Name:

(Print) First MI Last

Signature Date (mm/dd/yyyy)

Counsel by Academy Supervisor

Separation from TDCJ Employment

Training Supervisor Name:

(Print) First MI Last

Signature Date (mm/dd/yyyy)



Texas Department of Criminal Justice

Bryan Collier
Executive Director

TRAINEE SEPARATION LETTER DUE TO ACADEMY RULE VIOLATION

Date: _____

Trainee Name: _____

Month/Day of Birth (mm/dd): _____

Mailing Address: _____

RE: Trainee Separation

Dear Mr. or Ms.: _____

This correspondence is formal notice that you are being separated from employment effective this date because you were unable to meet the requirements for continued employment with the TDCJ for the reason cited below:

Reason for trainee separation: _____

You are eligible to immediately apply for re-employment with the TDCJ in any non-correctional positions for which you qualify, as long as the position does not require successful completion of the Pre-Service Training Academy, the Parole Officer Entry Level Training Academy, or the Office of Inspector General Training Academy. You must wait six months before you are eligible to apply for re-employment or be hired with the TDCJ in any position requiring successful completion of one of these academies.

You may submit an application for employment in accordance with the guidelines stated above; however, there is no guarantee of an offer for re-employment. All your qualifications and the reason you were separated from the academy will be considered.

To apply for re-employment, contact the Employment Section, Texas Department of Criminal Justice, 2 Financial Plaza Suite 600, Huntsville, Texas 77340-3558.

Sincerely,

(Title)

Copies to: Human Resources Section of the Training Department
Master Human Resources file

Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.