

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-73 (rev. 12), “SELECTION CRITERIA FOR CORRECTIONAL OFFICER APPLICANTS”
SEPTEMBER 1, 2015

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TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

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EXECUTIVE DIRECTIVE

SUBJECT: SELECTION CRITERIA FOR CORRECTIONAL OFFICER APPLICANTS

AUTHORITY: Tex. Gov't Code §§ 411.089, 493.001, 493.006(b), 493.007, 651.005, 657.001-.010, 672.002, 672.004; 18 U.S.C. §§ 921(a), 922(g); 38 U.S.C. §§ 4301-4334

Reference: 28 C.F.R. § 115.17(a-h)

APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

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:

The TDCJ promotes equal employment opportunity through a correctional officer (CO) selection system designed to achieve employment without regard to race, color, religion, sex (gender), national origin, age, disability, or genetic information. In addition, the TDCJ complies with the provisions of applicable federal and state laws relating to employment and reemployment entitlements for prospective, current, or former members of the uniformed services.

The TDCJ has zero tolerance for all forms of employment discrimination in the CO selection process, and harassment or retaliation is prohibited. No employee or applicant for employment

shall be subjected to harassment or retaliation for opposing or reporting employment discrimination in the CO selection process.

DEFINITIONS:

“Armed Forces” is the U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard, including any auxiliary service of those branches.

“College Program Applicant” is an outside applicant for a CO position who is applying for employment through a college that is conducting CO training for the TDCJ.

“Conviction,” for the purpose of this directive, is: (a) a finding of guilt by judge or jury and the assessment of punishment, whether confinement or fines; (b) community supervision (probation), including deferred adjudication; (c) a juvenile adjudication of delinquent conduct if the juvenile records are not sealed; and (d) an equivalent disposition of an offense under the laws of another state, federal law, or Uniform Code of Military Justice. The term does not include a pretrial diversion, which is an agreement between the defendant and prosecutor and occurs before a judicial finding, although a judge may approve of the defendant participating in the program. Pardons or reprieves do not eliminate a conviction.

“Correctional Career Position” (CCP) includes the following TDCJ positions: correctional officer (CO) I, II, III, IV, and V; supervisor of COs; food service manager (FSM) II, III, and IV; and laundry manager (LM) II, III, and IV.

“Foster Child Employment Preference,” for the purpose of this directive, is the preferential consideration for employment given, when all factors taken into consideration for selection of an applicant are equal, to an applicant currently 25 years or younger who was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the applicant’s 18th birthday.

“Full-Time Correctional Officer” is a CO employed to regularly work a minimum of 40 hours per work cycle.

“Non-Correctional Employee,” for the purpose of this directive, is any TDCJ employee not in a correctional career position.

“Offense Involving Domestic Violence” is an offense that has as an element of use or attempted use of physical force, physical harm, bodily injury, sexual assault, or the threatened use of a deadly weapon, committed by an applicant or employee who: is the current or former spouse, parent, or guardian of the victim; shares a child in common with the victim; is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or is similarly situated to a spouse, parent, or guardian of the victim.

“Part-Time Correctional Officer” is a CO who is employed to regularly work a minimum of 20 hours per work cycle.

“Reassignment,” for the purpose of this directive, is a voluntary move from a non-CCP to a CCP via promotion, lateral transfer, or voluntary demotion.

“Regular Applicant” is an outside applicant for a full-time or part-time CO position, other than a college program applicant, rehire, or retiree applicant.

“Rehire Applicant” is an outside applicant for a full-time or part-time CO position who was previously employed with the TDCJ.

“Retiree Applicant” is an outside applicant for a full-time or part-time CO position who retired from state employment through the Employees Retirement System of Texas.

“Supervisor of Correctional Officers” includes the following positions: sergeant, lieutenant, captain, major, assistant warden, and warden.

“Veteran’s Employment Preference,” for the purpose of this directive, is the preferential consideration for employment given, when all factors taken into consideration for selection are equal, to the following: (a) a veteran who was honorably discharged and served in the U.S. armed forces or in an auxiliary service or reserve component of one of the branches, to include a veteran with a disability, who is classified as service-connected disabled by the U.S. Department of Veterans Affairs, its successor, or the branch of the service served; (b) a veteran’s surviving spouse who has not remarried; and (c) an orphan of a veteran killed while on active duty.

“Veteran’s Liaison” is an employee within the Human Resources Division who is assigned the duty of coordinating the TDCJ veteran’s recruitment program.

PROCEDURES:

I. Basic Eligibility Criteria

All CO applicants, including non-correctional TDCJ employees applying for reassignment or being involuntarily demoted, including through a disciplinary action, resolution of a grievance, or Independent Dismissal Mediation, to a CO position, shall meet the following basic eligibility criteria to be employed as a CO:

- A. Be a citizen of the U.S. or an alien authorized to work in the U.S.;
- B. Be at least 18 years old;
- C. Have graduated from an accredited senior high school or equivalent or obtained a state-issued General Educational Development (GED) certificate;

Acceptable documentation verifying graduation from an accredited senior high school or equivalent shall include: (1) a high school diploma from a state-accredited school, a school accredited by an organization recognized by the Council for Higher Education or the United States Department of Education, or any private school; or (2) a high school diploma or transcript based on home

schooling accompanied by a signed affidavit in which the applicant affirms the completion of high school via home schooling.

- D. Not be on active duty in the military, unless on terminal leave (applicants can apply within six months of eligibility);
- E. Not have been discharged from the armed forces under dishonorable conditions;
- F. Male applicants who are ages 18 through 25, residing in the U.S., and not currently employed with the TDCJ shall present proof of the applicant's registration with the selective service system as required by federal law or present proof of the applicant's exemption from registration with the selective service system;
- G. Not be on community supervision (probation), including deferred adjudication for any criminal offense;
- H. Not have pending charges for any criminal offense or have an outstanding warrant;
- I. Not have had a Class A misdemeanor conviction within the last 10 years;
- J. Not have had a Class B misdemeanor conviction within the last five years;
- K. Not have an active restraining order that prohibits the applicant from possessing a firearm;
- L. Never have been convicted of a felony;
- M. Never have been convicted of a drug-related offense (an alcohol-related offense is not a drug-related offense);
- N. Never have been convicted of an offense involving domestic violence;
- O. Pass the TDCJ's written Correctional Officer Pre-Employment Test and receive a passing composite evaluation score based on information included in the application, criminal background check, Pre-Interview Questionnaire, employer references, and job-related information obtained in the interview held upon passing the test;

A veteran of the armed forces is exempt from the pre-employment test. However, a veteran applicant must still meet all other eligibility criteria.

A rehire or retiree applicant who has held a CCP within the 36-month period immediately preceding the application date is not required to meet this criteria. A supervisor of COs who voluntarily demotes or is involuntarily demoted to a CO position is not required to meet this criteria.

- P. Be able to perform the essential functions of a CO, with or without reasonable accommodation;
- Q. Submit to the TDCJ's pre-employment or pre-assignment drug test and have a negative drug test result; and

An applicant shall not be eligible for employment if the applicant was previously required to submit to the TDCJ's pre-employment or pre-assignment drug test but failed to have a negative drug test result through a refusal to test, specimen tampering, or a positive drug test result.

- R. Pass a physical agility test.

II. Application Process

Applicants applying for a CO position shall bring a completed State of Texas Application for Employment, TDCJ Employment Application Supplement, and all required documents to a scheduled CO pre-employment testing appointment, or may submit an online application through the Texas Workforce Commission's (TWC) online system. CO applicants applying through the TWC online application process must also ensure that all required documents and the TDCJ Employment Application Supplement are submitted to the contact person or designee listed on the job posting.

Additional questions from veteran applicants regarding the application process may be directed to the TDCJ's veteran's liaison.

III. Disqualification for Providing Inadequate, False, or Inaccurate Information or Documentation

Prior to an applicant being employed by the TDCJ, the applicant shall provide all required documentation. The Employment Section, Human Resources Division, shall verify the authenticity of the documentation.

- A. An applicant who provides false or inaccurate information or documentation in the application process shall be disqualified from consideration for any TDCJ position for a minimum period of one year from the date of the applicant's PERS 283, State of Texas Application for Employment.
- B. A current employee who provides false or inaccurate information or documentation may be subject to disciplinary action in accordance with PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees."

IV. Screening Process

The screening process includes a written pre-employment test and may include an interview. Rehire and retiree applicants who held a CCP within the 36-month period immediately preceding the application date shall not be subject to the screening process.

Any other applicant who meets the basic eligibility criteria listed in Sections I.A. through I.N. of this directive shall be subject to the screening process.

A. Correctional Officer Pre-Employment Test

The Correctional Officer Pre-Employment Test consists of the following five parts:

1. Memory and observation;
2. Situational reasoning;
3. Reading comprehension and deductive reasoning;
4. Verbal reasoning; and
5. Arithmetic.

A veteran of the armed forces is exempt from the pre-employment test.

B. Interview and Evaluation of Qualifications

1. A CO recruiter shall interview an applicant who passes the Correctional Officer Pre-Employment Test or an applicant who is a veteran of the armed forces. The interviewer shall consider all information included in the application, criminal background check, Pre-Interview Questionnaire, employer references, and job-related information obtained in the interview. Based on this information, the interviewer shall evaluate the applicant's qualifications in the following areas:
 - a. Motivation;
 - b. Communication skills;
 - c. Previous experience and career maturity;
 - d. Interpersonal skills;
 - e. Responsibility; and
 - f. Personal integrity.
2. The interviewer shall use established scoring guidelines to score the applicant in each evaluated area on a PERS 136, Application Evaluation Form and add the scores to derive a composite evaluation score. Results from the background check shall also be included as part of the applicant's composite evaluation score.

V. Selection of Applicants

A. College Program Applicants

Prior to enrolling in a college-sponsored CO training program, a college program applicant shall be tentatively selected based on the applicant's composite evaluation score, which is determined in accordance with the procedures in Section III of this directive. An applicant who is tentatively selected for hire subject to training by the college has no guarantee of TDCJ employment.

If the applicant successfully completes the college-sponsored training program, selection shall be based on the graduation date and the need and authorization for additional COs in areas where the applicant would accept employment.

B. All Other Applicants Subject to Screening Process

An applicant's composite evaluation score, along with the need and authorization for additional COs in the location where the applicant would accept employment, shall be the basis for determining whether the applicant is selected.

C. Rehire and Retiree Applicants Not Subject to Screening Process

A rehire or retiree applicant who held a CCP within the 36-month period immediately preceding the application date shall be selected based on employment history, criminal record, other job-related qualifications, and the need and authorization for additional COs in locations where the applicant would accept employment.

D. Applicants Entitled to a Foster Child Employment Preference or Veteran's Employment Preference

An applicant identified as being entitled to a foster child employment preference or veteran's employment preference shall be given preferential consideration for a CO position when the applicant is equally qualified with other applicants who are being considered. If an applicant entitled to a foster child employment preference is equally qualified with an applicant entitled to a veteran's employment preference, the former foster child shall be selected for the position.

If all factors taken into consideration are equal, and more than one applicant is eligible for the veteran's employment preference, the applicants shall be selected in the following order of priority: (1) a veteran with a disability; (2) a veteran; (3) a veteran's surviving spouse who has not remarried; and (4) an orphan of a veteran if the veteran was killed while on active duty.

VI. TDCJ Correctional Institutions Division's Pre-Service Training Academy Attendance

A. Regular Applicants

A regular applicant who has been selected for a CO position shall be required to attend the Correctional Institutions Division (CID) Pre-Service Training Academy (PSTA). While attending the PSTA, the applicant shall:

1. Submit to a pre-assignment drug test and have a negative drug test result;
2. Complete all curriculum and qualify academically;
3. Qualify with firearms; and
4. Pass a physical agility test.

B. Rehire and Retiree Applicants

1. A rehire or retiree applicant who has been selected for a CO position shall attend the PSTA, unless the employee meets one of the following conditions.
 - a. Within the 36-month period immediately preceding the date of rehire, the applicant served in a CCP; or
 - b. The applicant previously attended the PSTA and attended the CID's in-service training within the 12-month period immediately preceding the date of rehire, qualified with firearms, and participated in the practical aspects of chemical agents and defensive tactics curriculum during the in-service training.
2. If the applicant is required to attend the PSTA, the applicant shall submit to a pre-assignment drug test, have a negative drug test result, and qualify both academically and with firearms.
3. If the applicant is not required to attend the PSTA, the applicant shall submit to a pre-employment drug test and have a negative drug test result.

VII. Applicant Flow

Human resources staff shall maintain the applicants' Personal Data forms. Based on the information provided by these forms, human resources staff shall compile and review applicant flow data for all CO positions on the PERS 45, Applicant Flow Reporting Form.

VIII. Compliance with Equal Employment Opportunity (EEO) Laws

The human resources director or designee shall:

- A. Annually review the instruments used in the CO selection process to ensure compliance with TDCJ policies and procedures and EEO laws;
- B. Review the application and screening documentation for each unselected applicant to ensure the decision is made without regard to race, color, religion, sex (gender), national origin, age, disability, genetic information, or uniformed services status; and
- C. Prepare a monthly analysis of the TDCJ workforce, comparing the TDCJ workforce with the state civilian workforce.

IX. Appeal by Applicant Entitled to the Foster Child Employment Preference

An applicant for employment entitled to the foster child employment preference who is aggrieved by a selection decision may appeal the decision by filing a written complaint with the Texas Board of Criminal Justice (TBCJ). The TBCJ may render a different selection decision if the TBCJ determines that the foster child employment preference was not applied.

X. Appeal by Applicant Entitled to the Veteran's Employment Preference

An applicant for employment entitled to the veteran's employment preference who is aggrieved by a selection decision may appeal the decision by filing a written complaint with the executive director. The executive director may render a different selection decision if the executive director determines that the veteran's employment preference was not applied.

Brad Livingston
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