



# Employee Handbook

*Prepared by the*  
TYC Human Resources Division  
v1.0 (June 1, 2009)



# Employee Handbook

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## INTRODUCTION

This employee handbook is designed to provide you with an overview of the Texas Youth Commission (TYC) personnel policies to help you understand your responsibilities as a TYC employee, and the benefits and services available to you. You should promptly review all of its contents and keep it in a place where you will be able to easily reference it when you have employment-related questions. The information in this handbook is current as of the publication date, but is subject to change as statutes, regulations, and agency policies are modified.

No handbook or policy manual can address every possible situation that may arise. TYC management may:

- in accordance with generally accepted management practices and procedures, resolve issues that are not adequately addressed in this handbook;
- change this handbook or the policies referenced in this handbook at its discretion; and
- depart from written policy when necessary to address the circumstances of a particular situation.

### A. Employment at Will

Nothing contained in this handbook should be considered as a contract, promise or guarantee of continued employment, or of any particular policy or benefit. Employees of TYC are “at will” employees. This means that employment is for no definite period and that either the employer or the employee may terminate the employment relationship at any time, for any or no reason, without liability.

### B. Local Human Resources Administrator

Each facility has a designated local Human Resources Administrator (HRA) to assist facility-assigned employees with Human Resources (HR) related issues. The Human Resources Director will designate an employee assigned to HR Central Office as the local HRA for employees assigned to Central Office. In addition, employees may contact the appropriate HR Central Office staff for answers to questions regarding a specific program area.

### C. Employee General Rules of Conduct

As indicated in the Table of Contents, this handbook briefly covers several employment-related topics. All of the topics are important, but of particular importance is Section VIII, Employee General Rules of Conduct and Disciplinary Process. Becoming familiar with these rules will help you avoid conduct that could lead to disciplinary action.

### D. Access to TYC Policies and Website

The Personnel Policy Manual (“PRS” manual) contains personnel, training, and travel regulations policies and procedures. This Employee Handbook is based on and references some of the policies in the PRS manual. The General Administrative Policy Manual (“GAP” manual) contains policies and rules regarding the agency’s various responsibilities and operations, and some of the GAP rules regarding employee responsibilities are reflected in this Employee Handbook. Both the PRS and GAP manuals, as well as this handbook, are available on the TYC Internet website ([www.tyc.state.tx.us](http://www.tyc.state.tx.us)) and TYC Intranet. In addition, other procedures, guidelines and helpful resources are available on the TYC Intranet, which is accessible to TYC employees from a TYC computer. The resources include, for example, the Case Management Standards and the Institutions Operations Manual, both of which include policies and expectations applicable to some agency positions. It is your responsibility to know and comply with all policies, procedures, and guidelines that are applicable to your position.

Please let Human Resources or other appropriate staff know if you believe a policy or practice could be improved in any way, or if you have any questions or comments about any aspect of our policies or practices. We encourage all employees to present their ideas, problems and concerns to management. We appreciate any suggestions from you that may aid us in our operations or streamline your work processes. Constructive communication helps us all to maintain a positive work environment.



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### SECTION I. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

#### A. EEO POLICY

The TYC is an equal opportunity employer and strives to provide a work environment free from discrimination, which is defined as unlawful treatment based on race, color, religion, sex (gender), national origin, age (40 and above), disability, or genetic information. Sexual harassment is a form of gender-based discrimination.

All TYC employees are responsible for refraining from discrimination or harassment. TYC managers and supervisors are responsible for basing all employment-related decisions on job-related, non-discriminatory factors, and for complying with all laws that apply to the employment relationship. This includes activities relating to recruitment, screening, hiring, training and development, promotion, termination, reduction in force, compensation, benefits, social and recreational programs, and all other conditions and privileges of employment.

##### ***What do I do if I believe I have been the subject of employment discrimination?***

You should file a formal employee grievance in accordance with PRS.35.03 (Employee Grievances) if you believe that discrimination has adversely affected your employment, assignment, compensation, advancement, career development or any other condition of employment. If for any reason you are reluctant to file a grievance with the local employee grievance contact, a grievance can be filed directly with the agency's employee grievance coordinator in the Central Office. (For more information regarding the filing of a grievance, see Section X of this handbook.)

##### ***What about retaliation?***

Retaliation will not be tolerated against an employee who opposes a discriminatory practice, makes or files a charge, files a complaint, or testifies, assists, or participates in any manner in an investigation, proceeding, or hearing relating to an allegation of discrimination. If you believe you have been subjected to such retaliation, you should file a formal employee grievance in accordance with PRS.35.03.

**PRS.01.01 provides additional information regarding the agency's equal employment opportunity policy. In addition, the agency's zero tolerance of discrimination and retaliation is reflected in Group 1 of the Employee General Rules of Conduct (Equal Employment Opportunity and Protection of the Work Environment).**

#### B. SEXUAL HARASSMENT PREVENTION POLICY

As previously stated, sexual harassment is a form of gender-based discrimination. In order to protect our employees from sexual harassment, the TYC has established procedures to provide a safe, professional, and pleasant work environment free of inappropriate sexual conduct.

All inappropriate sexual conduct is strictly prohibited and will not be tolerated. This policy applies to employees, contractors and contractors' employees, volunteers, delivery persons, vendors, and any other person having contact or doing business with TYC.

##### ***What is inappropriate sexual conduct?***

Inappropriate sexual conduct is conduct of a sexual nature that is debilitating to morale, interferes with job performance, or in any way has a negative impact on a safe, professional and pleasant work environment. It can occur in many ways, all of which are unacceptable. No employee, male or female, should see or hear unwelcome and unsolicited sexual comments or conduct. In particular, this includes verbal, visual, or physical conduct of a sexual nature, or unwelcome requests for sexual favors when:



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1. submission to the conduct or request is a condition of employment;
2. rejection of or agreement with the conduct or request is used to make an employment decision; or
3. the conduct or request has the purpose or effect of interfering with work performance or of creating an intimidating, hostile, or offensive work environment.

### ***What are some specific examples of inappropriate sexual conduct?***

The following are some examples of inappropriate sexual conduct, but it is not possible to list every action that might be considered inappropriate sexual conduct.

Examples:

1. Off-color jokes, sexual horseplay or teasing, sexual innuendo, and other obscene, lewd, or sexually suggestive remarks or gestures;
2. Sexually suggestive workstation wallpaper or screen-savers, calendars, posters, T-shirts, cartoons, drawings, or other sexually suggestive displays;
3. Touching or threatening to touch another in an unprofessional manner;
4. Inquiring about another person's sex life or discussing sexual conduct that is unrelated to work; or
5. Using demeaning or inappropriate terms related to gender in reference to another person.

### ***What about complimenting a co-worker or subordinate employee regarding their appearance?***

Inappropriate sexual conduct does not include occasional compliments of a socially acceptable nature.

### ***Is inappropriate sexual conduct limited to the immediate work environment?***

No. Inappropriate sexual conduct can occur both within and outside the immediate work environment.

### ***What do I do if I believe that I have been subjected to inappropriate sexual conduct or observed another employee being subjected to inappropriate sexual conduct?***

Complaints of inappropriate sexual conduct may be filed in accordance with PRS.35.03 (Employee Grievances). If for any reason you are reluctant to file a grievance with the local employee grievance contact, a grievance can be filed directly with the agency's employee grievance coordinator in the Central Office. All complaints and reports will be taken seriously and will be investigated to gather facts about the alleged occurrence. To the extent possible, confidentiality will be maintained and disclosed as needed to investigate and resolve the matter or as required by law.

**PRS.01.02 (Inappropriate Sexual Conduct) contains additional information regarding the agency's provisions and procedures that have been established to provide our employees with a workplace free of inappropriate sexual conduct.**

## **C. AMERICANS WITH DISABILITIES ACT (ADA) POLICY**

Pursuant to the Americans with Disabilities Act (ADA), no qualified individual with a disability shall be subjected to discrimination in selection, promotion, discharge, compensation, training or other terms or conditions of employment on the basis of having a disability or record of a past disability. The law and the agency's ADA policy also prohibit treating an individual as disabled through stereotyping or assumptions about physical or mental conditions, real or perceived.

The agency will make reasonable accommodation to known physical or mental limitations of a qualified employee having a disability, which would enable the individual to perform the essential functions of their desired or current position, as long as the accommodation can be provided without undue hardship to the TYC and without a direct threat to health or safety.



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### ***What do I do if I need to request an ADA accommodation?***

You must inform the local HRA of your disability and the functional limitations for which the accommodation is requested. Requests for an accommodation are voluntary.

Each request for accommodation will be addressed on a case-by-case basis. Requests for accommodation will be addressed by the chief local administrator (CLA), who may work in consultation with the agency's workplace accommodation committee.

**PRS.01.10 (Americans with Disabilities Act) contains additional information regarding ADA accommodations.**

## **SECTION II. ATTENDANCE AND PUNCTUALITY**

Your job is important. The TYC relies upon its employees to report for work on time each scheduled work day. Regular and faithful attendance is an essential requirement of every job at the TYC. Absences and tardiness have a negative impact on the agency's ability to successfully fulfill its mission, and such actions adversely affect co-workers' morale.

### ***What do I need to do when I realize that I will be tardy or absent?***

If you are unable to report at the scheduled time, you must take two actions:

- give prompt notice to the appropriate supervisor(s) in accordance with your facility's or department's call-in procedures; and
- provide justification for the absence.

You are also responsible for informing your supervisor if you need to leave your work site at any time other than your regularly scheduled break period.

Since absenteeism and tardiness interfere with operations and place undue hardships on others, the failure to report absences from work in a timely manner, unauthorized absences, or tardiness may result in disciplinary action or discharge. Three consecutive work days of unauthorized absence is regarded as job abandonment.

### ***When will I need to provide a statement from a health care provider?***

In the event that an absence due to illness or injury extends longer than three consecutive workdays, a statement from a health care provider confirming the medical need to be off work must be provided. A health care provider's statement may also be required in other circumstances, at the discretion of management. Failure to provide the required medical certification will result in the time missed being treated as unauthorized absence.

**PRS.27.01 and Group 2 of the Employee General Rules of Conduct (Attendance and Punctuality) describe the agency's specific expectations regarding attendance and punctuality.**

***Remember, your job is important and your co-workers are relying upon you to report to work!***



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### SECTION III. REPORTING YOUTH MISTREATMENT, FRAUD, OR OTHER ILLEGAL ACTIVITIES

#### A. Youth Mistreatment

An employee is required to report any youth mistreatment, whether performed by another youth, another employee, a volunteer, or a contractor.

##### *What is youth mistreatment?*

Youth mistreatment includes any abuse, neglect or exploitation of a youth.

- **Abuse** – an intentional, knowing, or reckless act or omission that causes or may cause emotional harm or physical injury to, or death of, a youth.
- **Neglect** – a negligent act or omission, including failure to comply with an individual case plan, that causes or may cause substantial emotional harm or physical injury to, or death of, a youth.
- **Exploitation** – the illegal or improper use of a youth or the resources of a youth, for monetary or personal benefit, profit, or gain.

Some, but not all, specific acts of youth mistreatment are described in the following documents:

- Group 3 of the Employee General Rules of Conduct (Youth Supervision);
- GAP.93.33, Alleged Abuse, Neglect, and Exploitation
- GAP.97.23, Use of Force; and
- The Notice of Improper Sexual Activity with Person in Custody, TYC form HR-270, which describes sexual activity that constitutes a felony criminal offense and was provided to each TYC employee upon initial publication and is provided to each newly hired employee during their New Employee Orientation (NEO) session.

Other agency expectations regarding staff/youth relationships are described in PRS.01.09, Staff/Youth Relationship.

##### *What do I do if I believe a youth in TYC custody has been a victim of youth mistreatment?*

GAP.07.03 (Incident Reporting) establishes how incidents must be properly documented and reported. In accordance with GAP.07.03, any staff member who has cause to believe that a youth in TYC custody or under the supervision of TYC has been a victim of abuse, neglect, or exploitation or who receives such a report must: (1) **immediately** notify the Office of Inspector General (OIG) - Incident Reporting Center (IRC) by telephone (1-866-477-8354) and obtain an IRC tracking number; and (2) submit a written report including the tracking number to the Chief Local Administrator (CLA). **The written report must be submitted as soon as possible after notifying the IRC, but in no event later than the end of the current shift.**

For the purpose of incident reporting, the CLA is: (1) the superintendent or administrative duty officer (ADO), for residential facilities; (2) the quality assurance administrator, for contract programs; or (3) the parole supervisor, for TYC-operated parole offices.

If you observe or have first-hand knowledge regarding any youth mistreatment and do not report the activity or help cover it up, you will be subject to disciplinary action up to and including termination. Everyone involved will be held accountable.



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All reported allegations will be investigated according to TYC policies and procedures. If the allegations are substantiated, the appropriate disciplinary action will be taken up to and including termination. Criminal investigations are conducted separately, and could result in prosecution.

### **B. Fraud or Other Illegal Activities**

#### ***What is fraud?***

"Fraud" includes any intentional deception, misrepresentation, or omission of important facts. Some, but not all, specific acts of fraud are described in the Group 4 of the Employee General Rules of Conduct (Conflicts of Interest, Ethics, and Fraud) and in the Agency Integrity Program, HR-001.

#### ***How do I report a suspected incident of fraud or other illegal activity?***

In accordance with GAP 07.03 (Incident Reporting), any employee who becomes aware of fraud or any other illegal activity (or any other critical or serious incident identified in GAP 07.03) must immediately notify the CLA or ADO unless the staff member has clear evidence that the matter has already been reported. If the employee is fearful of retaliation or believes that the CLA or ADO is involved in the fraud or other illegal activity, the employee is still required to report the suspected incident; however, the employee may report the incident to TYC Central Office or anyone in authority to whom they feel comfortable reporting without retaliation.

## **SECTION IV. SAFETY AND WORKERS' COMPENSATION**

The TYC makes every reasonable effort to minimize the risk of accidents and injuries in the workplace. Accidents and injuries cause suffering and financial loss to employees and their families and hinder our efforts to provide full service to the people of Texas who depend on us.

A safe workplace does not happen by itself. Therefore, safety is everyone's responsibility. You will be evaluated on your safety performance during your performance appraisal. Your particular responsibilities include but are not limited to the following:

- immediately reporting any safety hazard;
- performing all duties in a manner to prevent accidents/injuries; and
- immediately reporting an injury that occurs while on the job.

#### ***What is a safety hazard?***

A safety hazard is an unsafe condition, usually physical, that has the potential to cause injury to an employee or youth. Common examples include but are not limited to: spills or tripping hazards on floors, frayed electrical cords, improperly stored chemicals and tools, blocked emergency exits, and poor lighting.

#### ***To whom do I report a safety hazard?***

You are required to immediately report a safety hazard to your immediate supervisor. If you are assigned to a facility, you are also required to report the safety hazard to the employee responsible for the Additional Duty Safety Officer (ADSO) duties.





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### ***Does the agency have workers' compensation insurance?***

Yes. The State Employees' Workers' Compensation System pays for medical treatment and lost wages for state workers who are injured or become ill as a result of their work. Coverage is provided at no cost and you are not required to sign up for this coverage.

- The State Office of Risk Management (SORM) serves as the state's insurance carrier for this benefit.
- The Texas Department of Insurance/Division of Workers' Compensation (TDI/DWC) regulates workers' compensation insurance in Texas. You can get more information about your workers' compensation rights from any office of the TDI/DWC, or by calling 1-800-252-7031.

### ***What do I do if I am injured on the job?***

If you are injured on the job, you are responsible for:

- seeking medical assistance and telling the medical provider that the injury was job related;
- immediately telling your supervisor about the injury;
- immediately telling the local human resources office about the injury;
- immediately completing any required documentation; and
- if time off from work is necessary due to an injury, providing any required medical certifications for the administration of leave.

Prompt notice is vital to receipt of benefits! All benefits may be denied if you fail to give notice of injury within 30 days, or fail to file a claim within one year, unless you have a good cause for failure to give notice or file a claim. Additional information regarding the agency's workers' compensation program is contained in PRS.23.03.

### ***What do I do if I experience an occupational exposure?***

If your eyes, broken skin, and/or mucous membranes of your nose or mouth come into contact with blood, body fluids, or other potentially infectious material while you are performing your job duties, you should contact the local HR office to report the incident. You have the right to file a workers' compensation claim and be tested for a reportable disease within 10 days after an exposure. You may request the testing of another person (employee, volunteer, or youth) who may have exposed you to a reportable disease by filing a request through the chief local administrator and/or the health services administrator in central office. Refer to personnel policy, PRS.23.05, for additional information.

### ***Does the agency have a return-to-work program?***

Yes. In addition to workers' compensation insurance coverage, the agency has established a return-to-work program for employees who have experienced an on-the-job injury or illness. If you are unable to perform your essential job duties due to an on-the-job-injury accepted by the State Office of Risk Management, but are able to work with restrictions, you may be eligible to work in an Alternative Work Assignment (AWA) if one is available and you are able to perform the duties of the AWA. The length of the AWA is determined by the CLA, but may not exceed 90 calendar days. This program is described in PRS.23.04.

## **SECTION V. DRUG-FREE WORKPLACE**

The TYC strives to provide a working environment free from the adverse effects of substance abuse. Substance abuse can and does impair the ability of an employee to effectively perform duties and may endanger our youth, the employee, co-workers and the public.



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### ***How does the agency strive to provide its employees with a drug-free workplace?***

Steps to provide employees with a drug-free workplace include but are not limited to the following:

- The agency requires employees to abide by the terms of PRS.01.17 (Workers Health and Safety Drug-Free Workplace Program) and PRS.01.18 (Alcohol and Drug Testing).
- For all hazardous duty positions or any position at a residential facility, offers of employment to external applicants (including reemployment and automatic reinstatement) are contingent upon passing a drug test. Pre-employment drug testing is not required for an internal applicant unless the employee is moving from a position in which pre-employment drug testing is not required to a position for which pre-employment drug testing is required. In addition, employees in certain positions are subject to reasonable suspicion drug and/or alcohol testing.
- The agency prohibits the unlawful manufacture, distribution, dispensation, possession, or use of alcoholic beverages, inhalants, controlled substances or narcotics paraphernalia on TYC premises or while conducting TYC business off agency premises. This prohibition includes prescription drugs unless taken as prescribed by the employee's physician.
- The agency requires an employee to notify TYC within two workdays of any arrest, charge, indictment or conviction under the Texas Controlled Substances Act or any other criminal drug statute. Procedures for reporting criminal charges and changes in the status of a criminal case are found in PRS.01.06 (Reporting Criminal Charges and Protective Orders). Note: This reporting requirement also applies to an arrest, charge, indictment or conviction for any other criminal offense.
- Upon receiving notice of a drug-related conviction, TYC management will: (1) take appropriate personnel action against such an employee, up to and including termination; or (2) require the employee to participate satisfactorily in an alcohol, inhalant or drug abuse assistance or rehabilitation program selected by TYC and approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- The agency provides employees with an Employee Assistance Program, which is available to help employees address any type of personal issue, including substance abuse. Employees experiencing problems with drugs or alcohol are encouraged to seek assistance before investigation or detection of drug or alcohol abuse exposes them to possible disciplinary action.

### ***What if I am taking a prescription drug or over-the-counter medication with side effects that may appear to be a result of substance abuse?***

An employee who is taking a prescription drug or over-the-counter medication which may impair mental or physical capabilities must notify his/her supervisor prior to commencing work. If the supervisor determines the employee cannot safely or effectively perform his/her job duties while taking the drug or medication, the employee must use his/her leave in accordance with the applicable leave policy.

## **SECTION VI. EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program (EAP) provides valuable services at no cost to employees and their families in the form of stress management, short-term counseling, legal and financial consultations, enhancing wellness and quality of life, and an online resource center. For more information, visit the EAP website at <http://www.alliancewp.com/> or contact your Human Resources office to obtain an informative brochure.

### ***Are EAP services confidential?***

Yes, EAP assures strict confidentiality and complies with all state and federal confidentiality laws with regard to alcohol and drug abuse and mental health records, including HIPAA.



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### ***Are family members covered by EAP services?***

Yes, services are provided to anyone in your household at no cost to you.

### ***How do I access EAP?***

Simply call the toll free 24-hour hotline at 1-800-343-3822. There is also a special teen line at 800-334-TEEN (8336) and TDD is available at 800-448-1823.

## **SECTION VII. INFORMATION TECHNOLOGY RESOURCES**

TYC employees are expected to use professional practices when using the agency's information technology resources. All agency information technology resources are property of TYC and the State of Texas and are provided for conducting state business. TYC has established rules for the use of information technology resources. These rules are contained in PRS.01.31 (Use of Information Technology Resources) and in the Information Security and Non-Disclosure Agreement, TYC form HR-016, which is provided to and signed by each newly hired employee.

Passwords are intended to protect against unauthorized access to information technology resources, and must be kept confidential and not disclosed to anyone. Accessing any agency information technology resource using someone else's password, or allowing someone else to access an agency information technology resource using your password, is prohibited. With appropriate management authorization, any TYC information technology resource may be monitored to ensure security and appropriate use of state property without notice of times, locations, or durations of monitoring.

## **SECTION VIII. EMPLOYEE GENERAL RULES OF CONDUCT AND DISCIPLINARY PROCESS**

### **A. DISCUSSION**

The purpose of the employee general rules of conduct is to assist you in: (1) becoming familiar with the agency's general expectations regarding employee conduct; and (2) avoiding conduct that will lead to disciplinary action. You will be subject to the agency's disciplinary process upon violation of a general rule of conduct.

#### ***What is considered a violation?***

A violation of a general rule of conduct includes but is not limited to:

- committing or attempting to commit a violation; or
- planning to or conspiring with others to commit or attempt to commit a violation; or
- failure to use sound judgment.

#### ***What are the types of corrective actions or disciplinary actions used by the agency?***

It may be appropriate for a supervisor to use verbal or written counseling to address an employee's unacceptable performance or behavior before pursuing disciplinary action. Counseling is not considered a disciplinary action. However, if a written counseling memo does not result in the necessary change in conduct, or is deemed insufficient to address the conduct, the supervisor must proceed with disciplinary action.



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Disciplinary actions include a reprimand, disciplinary probation, disciplinary suspension without pay, involuntary demotion, and termination. In addition to internal disciplinary actions, the TYC may be required to report certain types of misconduct on the part of an employee holding a professional license to the agency or entity that issues the license or governs the conduct of persons holding the license.

You are not entitled to counseling or a less severe disciplinary action prior to having a more severe disciplinary action, including termination, imposed. A single infraction may warrant termination based on the nature of the offense or any aggravating or mitigating circumstances (e.g., evidence of willfulness or lack of willfulness, environmental factors that may have contributed to the employee's action, efforts or lack of efforts to help the employee overcome the problem, etc.).

### ***Is the disciplinary process different for newly-hired employees with fewer than six months of service?***

No. The process is the same, including the eligibility to elect to grieve a disciplinary termination or participate in independent dismissal mediation. However, your first six months of employment with TYC is considered an "introductory period", and it is expected that during this period you will gain a better understanding of the expectations of the agency, the duties of your job, and whether employment with the agency is a good fit for you. Similarly, during this introductory period, your supervisor will become familiar with your work habits and skills and gain a better understanding of whether you are suited to the position. You should expect and welcome careful scrutiny of performance and conduct during this introductory period, but should also expect an intolerance of certain performance or conduct problems (e.g., excessive tardiness, unauthorized absence). Therefore, if you commit a rule violation during the first six months of TYC employment, you may be subject to a more severe disciplinary action than would be generally imposed upon an employee with a greater length of service.

### ***Am I entitled to a greater degree of job protection if I commit a rule violation after I have been employed with the agency for six months?***

Length of service is one of the factors considered when deciding the appropriate disciplinary action for an employee. However, remaining employed for longer than six months does not entitle you to any greater degree of job protection or lesser degree of scrutiny of performance and conduct. Employment with the agency remains "at will" at all times, both during and after the initial six months of employment, meaning that either the agency or you can terminate the employment relationship at any time, for any or no reason (other than an illegal reason by the employer) without liability.

### ***Will I be held to higher standards if I am a supervisor?***

Yes. If you are a supervisor, the agency's expectation is that you should conduct yourself as a role model for employees; therefore, you may be subject to a more severe penalty for a violation than the penalty imposed upon a subordinate employee for the same violation.

### ***Do the employee rules of conduct include every performance expectation?***

No. Every conceivable situation cannot be described in a specific rule. In addition to these rules of conduct, TYC publishes performance expectations in agency policies (e.g., PRS.01.03 relating to work and personal conduct), job descriptions, other manuals (e.g., GAP, INS, EDU, CMS) and other documents (e.g., HR-001, Agency Integrity Program). You are responsible for knowing and observing all policies and performance expectations applicable to your position.

A violation of a policy or procedure that does not directly correspond with any other general rule of conduct will be considered a violation of Rule 5.02 (Comply with TYC rules, policies, procedures, and guidelines). This rule states that it is your responsibility to know, have a clear understanding of, and comply with all TYC rules, policies, procedures, and guidelines applicable to your position. Not being aware of a policy or rule applicable to your position is not a defense to disciplinary action.



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Further explanation of the disciplinary actions and the procedures involved in the employee disciplinary action process are included in PRS.35.01 (Disciplinary Action).

### **B. EMPLOYEE GENERAL RULES OF CONDUCT**

The general rules of conduct are grouped into five subject areas and each rule within a group is assigned a number. The subject areas are:

- Group 1: Equal Employment Opportunity and Protection of the Work Environment
- Group 2: Attendance and Punctuality
- Group 3: Youth Supervision
- Group 4: Conflicts of Interest, Ethics, Fraud, and Illegal Behavior (not related to youth mistreatment)
- Group 5: General Job Expectations

As you review the employee general rules of conduct, keep in mind that it is your responsibility to seek any clarifications you need from your supervisor, management, or human resources staff. Again, one of the purposes for providing you with these rules is to help you avoid participating in conduct that will lead to disciplinary action.

#### **Group 1. Equal Employment Opportunity & Protection of the Work Environment**

**1.01. Do not violate the agency's EEO policies.**

You are prohibited from violating the provisions in Section I of this handbook and in PRS.01.01 (Equal Employment Opportunity). Repeated, serious, or blatant violations of Equal Employment Opportunity policies will not be tolerated and will almost always result in termination of employment.

**1.02. Do not engage in sexually inappropriate conduct.**

You are prohibited from violating the provisions in Section I of this handbook and PRS.01.02 (Inappropriate Sexual Conduct). Highly inappropriate sexual conduct and repeated, serious, or blatant violations of the Inappropriate Sexual Conduct policy will not be tolerated and will almost always result in termination of employment.

**1.03. Do not use any slurs or hostile epithets.**

You are prohibited from using any slurs or hostile epithets (e.g., name-calling). Slurs and hostile epithets are verbal or written comments that humiliate or show hostility or animosity toward any individual because of an individual's race, color, religion, sex (gender), national origin, age (40 or above), disability or genetic information. An isolated remark or a comment not directed to anyone in particular may be considered profane/abusive language, a slur, or a hostile epithet. You are prohibited from responding in like terms to what you consider imprudent or insulting language or to any slur or hostile epithet.

**1.04. Do not retaliate against an employee for reporting an alleged EEO violation.**

You are prohibited from retaliating against or harassing an employee or other individual because the person has: (1) opposed discrimination, sexual harassment or other illegal conduct; (2) filed a complaint alleging such discrimination or harassment; or (3) cooperated in a TYC or external investigation, hearing, or court proceeding regarding such an allegation.



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- 1.05. **Do not retaliate against an employee for participation in the grievance process.**  
You are prohibited from retaliating against or harassing an employee or other individual because the person has filed a complaint or grievance or has participated in the grievance process as a witness or otherwise.

### **Group 2. Attendance and Punctuality**

In addition to the following rules, see Section II of this handbook for information regarding attendance and punctuality.

- 2.01. **Report to your duty/shift location on time or follow proper call-in procedures.**  
You are required to report to your duty/shift location at the time specified unless excused by the appropriate supervisor. Merely being on the agency's premises (e.g., parking lot, gatehouse) is not the same as reporting to your duty/shift location (i.e., your office, cubicle, dormitory or designated work area). If you are unable to report to your duty/shift location on time, you are required to notify the appropriate supervisor in accordance with the facility's or department's call-in procedures and advise of your estimated time of arrival for duty. See Section II of this handbook for more information regarding punctuality.
- 2.02. **Do not miss work without authorization.**  
Unauthorized absence is generally defined as any absence of one hour or more for which advance permission to miss work has not been obtained, and includes, but is not limited to, any of the following:
- being absent without having provided proper notice as required;
  - any medical-need based absence for which medical certification is required but not provided, or for which the required medical certification does not substantiate the need for leave;
  - absence due to failure to return to work from a medical-need based leave upon being released for return to work;
  - absence due to failure to return to work upon expiration of approved leave;
  - absence due to leaving work without authorization; or
  - being absent when accrued leave is not available for use and prior approval to use personal unpaid leave has not been granted.

**Three consecutive workdays of unauthorized absence is considered job abandonment and grounds for dismissal.**

- 2.03. **Do not abuse any form of leave.**  
TYC does not tolerate abuse of leave, which is generally defined as using leave when you know or have reason to know that the eligibility criteria for leave are not met. Examples of leave abuse include, but are not limited to:
- Missing work due to alleged illness or injury when you are not incapacitated from performing assigned duties;
  - Submitting falsified or altered documentation (for example, a doctor's note) in support of leave taken or requested;
  - While on any form of medical-need based leave, engaging in conduct that is inconsistent with the medical restriction(s) upon which the grant of time off from work is based; or
  - Any pattern of missing work which supports a reasonable inference that you have used leave under claims of injury or illness when you were not incapacitated from performing assigned duties (e.g., calling in sick without adequate explanation or documentation on a day for which you had been previously denied permission to miss work for personal reasons, or a pattern of frequently calling in sick on weekends or days immediately before or after your regular days off).



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**2.04. Use leave benefits responsibly.**

In the absence of extenuating circumstances, a pattern of using and exhausting paid leave benefits as they are earned is not considered responsible use of leave.

**2.05. Do not leave the work site without permission.**

You are prohibited from leaving the assigned work area without proper authorization. If you are a Juvenile Correctional Officer (JCO), you must:

- not leave the assigned post until properly relieved; and
- return to the assigned post as instructed if you are relieved only for a specified amount of time (e.g., a break).

**2.06. Be available when you are in an on-call duty status.**

You may be required to report for duty at times other than your regular work schedule. If you are required to be available for work or be at work any time other than your regular work schedule, you are considered to be in an on-call duty status. If you are assigned on-call duty but do not have to be at the work site, you must be easily accessible by telephone and ready to report to work on short notice.

Note: PRS.27.21 (On Call Duty) contains additional information regarding on-call duty status, including when on-call time is compensable and when it is not compensable.

**2.07. Attend Mandatory Meetings or Training Sessions.**

You must attend mandatory meetings and training sessions as instructed by your line of supervision.

### **Group 3. Youth Supervision.**

Note: In addition to the Group 3 employee general rules of conduct, you should review and become familiar with the provisions in PRS.01.09 (Staff/Youth Relationship).

**3.01. Do not have sexual contact or sexual intercourse with a TYC youth.**

**3.02. Provide the necessary quality of supervision to avoid or prevent harm to the youth or any sexual contact between youth.**

Providing the necessary quality of supervision includes:

- ensuring you do not perform or fail to perform any action that results in a breach of security or jeopardizes security of the dorm or campus;
- conducting proper headcounts;
- properly supervising youth to avoid youth-on-youth assaults;
- properly reporting any attempted suicide attempts or suicidal behavior; and
- properly supervising a youth on suicide watch.

**3.03. Maintain an appropriate adult/youth relationship at all times.**

An **inappropriate** adult/youth relationship includes but is not limited to the following:

- engaging in intimate oral communication with a youth;
- engaging in intimate or personal written communication with a youth;
- providing or exchanging pictures (e.g., photos, cartoons) with a youth;
- providing a youth with any contraband (e.g., illegal drugs or unauthorized prescription drugs or medications, cell phone, cigarettes or other form of tobacco, money, candy, soda, or any other item that is not permitted by agency policy, procedure, or practice);
- exploitation of youth (e.g., using youth labor to further private interests, selling contraband, or soliciting loans or favors from a youth); or



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- inducing (e.g., causing, persuading) or attempting to induce a youth to commit an unlawful act or to falsify information.
- 3.04. **Do not participate in “horseplay” with youth.**  
You are prohibited from participating in rough or boisterous conduct for the purpose of amusement (e.g., running, wrestling, or practical jokes).
- 3.05. **Do not yell, scream, curse, or use any improper language in front of a youth or to taunt, provoke, or intimidate a youth.**  
You are prohibited from using profanity or intimidation to manage youth behavior. You must use concern, empathy, respect and fairness when dealing with youth and youth issues, including all verbal and non-verbal interactions.
- 3.06. **Use physical interventions (reasonable force) only when standards for use of force are met.**
- Use reasonable force only in the circumstances authorized by GAP.97.23 (Use of Force).
  - Alternatives to force must be used whenever practical to assist a youth in maintaining or regaining self-control.
  - The use of force as punishment or for convenience of staff is strictly prohibited.
- 3.07. **When using physical interventions, use only agency-approved techniques.**
- Only use restraint equipment approved by the executive commissioner or designee.
  - Use all restraint equipment in a manner consistent with its design and intended purpose.
  - Do not use restraint techniques prohibited by GAP.97.23.
- 3.08. **Do not use force that is greater than necessary (excessive force) to achieve and maintain safety and order.**
- The degree of force used is to be predicated on the totality of the circumstances including the amount of resistance presented by the youth. When physical restraint becomes necessary, use only the least amount and type of reasonable force necessary to achieve and maintain safety and order.
  - Release youth from manual or mechanical restraint as soon as the purpose for the restraint has been achieved.
- 3.09. **Intervene, as practical, when you observe youth mistreatment or youth misconduct.**  
It is your responsibility to intervene, as practical, when you:
- know that a youth is being mistreated by another youth, another employee, a volunteer, or a contractor (e.g., abuse, unjustified/excessive use of force, neglect, exploitation, or violation of a youth’s basic rights);
  - observe a youth assaulting another person, including an employee, volunteer, contractor or visitor; or
  - observe a youth engaging in any other misconduct.
- Note: Intervention may consist of: (1) non-verbal gestures made with eyes, hands, head or body utilizing proximity, standing, eye contact and/or facial expressions; (2) verbal prompting, directive statements, redirecting youth attention and/or behavior; (3) physical interventions; or (4) requesting staff who may not have been initially involved in the situation to intervene with the youth. Only staff who are trained in agency-approved techniques are authorized to use physical interventions (force).





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### 3.10. **Promptly and properly report youth mistreatment, physical restraint, or youth misconduct.**

- You are required to report any and all information concerning the following as soon as possible: possible harm or mistreatment of youth, whether performed by another youth, another employee, a volunteer, or a contractor (e.g., abuse, unjustified/excessive use of force, neglect, exploitation, violation of a youth's basic rights);
- any physical restraint of a youth;
- any youth assault of another person, including an employee, volunteer, contractor, or visitor; or
- any other youth misconduct.

Note: It is your responsibility to ensure you report such incidents within any time limits established by agency policy.

### 3.11. **Do not aid a youth in an escape or escape attempt, and immediately report any information regarding evidence of an escape or escape attempt.**

You are prohibited from aiding or abetting an escape or an escape attempt, and it is your duty to immediately report any information regarding evidence of plans to escape, an escape attempt or an actual escape.

## **Group 4. Conflicts of Interest, Ethics, and Fraud**

### 4.01. **Use state time, property, facilities and equipment for official business only.**

Your use of state time, property, facilities, and equipment must be for official business only, except as provided by agency policy. You are prohibited from:

- taking or using any TYC resources to further your private interest;
- taking or using any item of state property for the purpose of converting it to your personal use;
- using a state-issued credit card for any type of expense other than a state business-related expense (personal use may violate Section 39.02 of the Texas Penal Code); and/or
- using state-issued corporate travel charge cards, cell phones, telephone calling cards, pagers, and vehicles while away from designated headquarters for any purpose other than official state business.

### 4.02. **Do not commit bribery or accept gifts or an honorarium.**

You may not:

- grant special favors to or ask for or accept gratuities (whether in property or service) from a youth or youth's family member;
- solicit, accept, or agree to accept an honorarium in consideration for services that you would not have been requested to provide but for your official TYC position or duties;
- accept or solicit any gift, favor, or service that might reasonably tend to influence your discharge of official duties or that you know or should know is being offered with the intent to influence your official conduct;
- intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for securing any action or decision, or soliciting favoritism or patronage, in violation of state or federal law.

### 4.03. **Provide notice of multiple (or dual) employment with the state.**

You are required to provide the Human Resources Director with written notice (e.g., email) before you accept additional employment with another state agency or state institution of higher education. Notice to the agency of such employment is required by state law.



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**4.04. Do not accept other employment that could reasonably be expected to conflict with your TYC duties.**

You are prohibited from accepting outside employment that:

- could reasonably be expected to impair your independence of judgment in the performance of your official duties;
- that could reasonably be expected to impair your independence of judgment in the performance of your official duties; or
- could reflect adversely on TYC.

**4.05. Do not engage in political activity or political influence at work or while on duty.**

You are prohibited from: (1) using your official authority or influence for political purposes; (2) campaigning during working hours or in a TYC office or facility; (3) using state funds or property to influence the outcome of any election or passage or defeat of any legislative measure; or (4) using the internal hard-copy or electronic mail system for the distribution of political advertising.

**4.06. Report suspected incidents of fraud and other job-related illegal activities.**

You are required to report suspected incidents of fraud and other job-related illegal activities to your chief local administrator, the Office of the Inspector General's hotline (1-866-477-8354 or [tyc.irc.@tyc.state.tx.us](mailto:tyc.irc@tyc.state.tx.us)), TYC Central Office, or anyone in authority with whom you feel comfortable reporting without fear of retaliation.

**4.07. Do not induce or attempt to induce a TYC officer or employee to commit an unlawful act or falsify information.**

You are prohibited from inducing (e.g., causing, persuading) or attempting to induce a TYC officer or employee to commit an unlawful act or to falsify information.

**4.08. Do not destroy evidence.**

You are prohibited from removing, altering, or destroying confiscated property, contraband, or other evidence relevant to an investigation, grievance, claim, or disciplinary matter unless specifically authorized in writing to remove or destroy the evidence.

### **Group 5. General Job Expectations**

**5.01. Perform your job duties in a competent manner and use good judgment.**

You are required to perform your duties in a manner that meets or exceeds the minimum standards established for your position and reflects the use of good judgment. Job quality and productivity standards are established by position descriptions, written or verbal instructions.

**5.02. Comply with TYC rules, policies, procedures, and guidelines.**

It is your responsibility to know, have a clear understanding of, and comply with all TYC rules, policies, procedures, and guidelines applicable to your position. Not being aware of the existence of any of the aforementioned is not a defense.

**5.03. Promptly obey any lawful order issued by an authority.**

**5.04. Provide truthful and accurate records and statements.**

You are required to provide truthful and accurate records and statements throughout your TYC employment and to be truthful in all your work-related communications. When you sign a document or submit a document on your behalf to an agency representative (e.g., State of Texas Application for Employment, grievance, time report), you are attesting to the truthfulness, accuracy, and completeness of the information or events presented in the document.



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**5.05. Be courteous to fellow workers, supervisors, subordinates, and the general public.**

You are expected to maintain a cooperative, helpful attitude toward fellow workers, supervisors, subordinates, and the general public. Disrespectful, rude, and unmannerly conduct that disrupts the workplace or adversely affects an employee's ability to perform his/her job (e.g., yelling, screaming, or verbally provoking a fellow employee) will not be tolerated.

**5.06. Do not conduct excessive personal business or participate in excessive visiting during work hours.**

While on duty, you must: (a) not spend an excessive amount of time away from the workstation due to personal business or visiting with co-workers; (b) keep personal telephone calls to a minimum; and (c) refrain from distracting others with excessive visiting.

**5.07. Do not date or become romantically involved with a subordinate or supervisor in your chain of command.**

Dating and romantic relationships between persons in the same chain of command are prohibited to avoid the potential for favoritism. If you are or become employed in a position resulting in a prohibited relationship, you have a duty to report the relationship to the appropriate HRA so that protective measures (e.g., transfer of one of the employees out of the chain of command) can be taken.

**5.08. Remain alert and awake while on duty.**

You are required to remain alert and awake and to devote full attention to your assigned duty or area of responsibility during working hours.

**5.09. Do not commit or threaten to commit any act that endangers the safety of another individual.**

The TYC has a zero tolerance for workplace violence. You are prohibited from committing or threatening to commit any act that endangers the safety of another individual, including hazing or horseplay. A threat of violence will be considered an act of violence.

**5.10. Report any safety hazard to your supervisor.**

You are responsible for immediately reporting any unsafe condition that has the potential to cause injury to an employee or youth to your immediate supervisor or a facility's additional duty safety officer. Common examples include but are not limited to spills or tripping hazards on floors, frayed electrical cords, improperly stored chemicals and tools, blocked emergency exits, and poor lighting.

**5.11. Perform all duties in a manner to prevent accidents/injuries, and immediately report an injury that occurs while on the job.**

You must immediately report any injury that occurs while on the job to your immediate supervisor and the local human resources office.

**5.12. Do not possess contraband while on agency premises.**

Contraband is a specific, tangible item that you are not permitted by agency policy, procedure, or practice to possess while on agency premises. Having an alcoholic beverage, controlled substance, paraphernalia, or unauthorized deadly weapon within an automobile on agency premises or an automobile on the premises of a facility operated under a contract with the agency is a violation of this rule.

Note 1: A violation of this rule that is evidence of an inappropriate employee-youth relationship is a violation of a Group 3 rule.



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Note 2: Residences on state property are exempt, with the exception of any of these items that would be illegal to possess by law.

**5.13. Cooperate with TYC staff during a search.**

Searches are necessary to maintain safe, rehabilitative environments in TYC facilities or to investigate employee misconduct. Upon entering a TYC secure facility or during routine inspections while on the premises of a TYC secure facility, you give implied consent to the search of your person and your personal possessions. In addition, your personal vehicle parked in a secure parking lot, your work area, and agency property assigned to you are subject to search as necessary. You are required to cooperate with agency staff during a search.

Note: Searches will be conducted in accordance with PRS.01.04 (Search of Employees, Personal Property and Vehicles, and Agency Property). Entry searches are governed by GAP 97.10.

**5.14. Cooperate fully in investigations.**

You have a duty, as a condition of employment, to cooperate fully in all administrative investigations conducted by the agency, and in all criminal investigations arising from agency operations or employment in which the employee is not accused of a crime. The duty of cooperation requires that you answer all work-related questions fully and truthfully.

Note: If you are accused of committing a criminal offense, you have a constitutional right to remain silent in a criminal investigation. Invoking the right to remain silent in such circumstances will not be used against you, either criminally or for employment purposes.

**5.15. Exercise care when handling or using state property.**

You must handle and use state property with care to avoid loss, damage or destruction. You must immediately report to your supervisor the loss, damage, or destruction of any state property that occurs while in your possession or during use. This includes but is not limited to vehicles, keys, identification and credit cards, cell phones, mobile computing devices, radios, and pagers.

**5.16. Notify the agency immediately of any past or present relationship with a TYC youth.**

You must notify your chief local administrator and local human resources administrator in writing immediately upon becoming aware that an individual with whom you have a current or had a former relationship is or is related to a TYC youth in custody or on parole. This includes: (1) being related to a TYC youth or having a family member who is related to a TYC youth; (2) a current or former romantic or spousal relationship with a TYC youth (e.g., dating, ceremonial or common-law marriage, living together, or having a child together); or (3) having a current business association with a TYC youth or an immediate family member of a TYC youth.

**5.17. Do not intentionally release, disclose, or use non-public information.**

You are expected to maintain confidentiality of all agency records and information relating to TYC youth and employees unless you are specifically authorized to release, disclose, or use the information. You must not accept other employment or engage in a business or professional activity that you might reasonably expect would require or induce you to disclose confidential information that you acquired because of your TYC employment.

**5.18. Report any arrest, criminal charge, or a change in status of a criminal charge.**

You must report, as set forth in PRS.01.06, any of the following events to your supervisor or local HRA **within two workdays of the event.**

- an arrest for any offense;
- an indictment or other official notification that you have been charged with a crime;



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- any change in status of a pending criminal charge, including dismissal, conviction, the initiation or termination of proceedings to revoke probation, etc.

**5.19. Report any protective order naming you as the respondent and any change in status of the protective order.**

You must report, as set forth in PRS.01.06, any of the following events to your supervisor or local HRA ***within two workdays of the event***:

- receipt of a protective order naming you as the respondent; or
- a court order changing the terms, duration or status of a protective order naming you as the respondent (e.g., an order making the protective order permanent, dismissing the protective order, or altering the restrictions of the protective order).

**5.20. Do not commit any criminal offense.**

You will be subject to disciplinary termination upon conviction for a felony offense or a misdemeanor offense involving a juvenile victim or direct endangerment of a juvenile. A conviction for any other offense will also subject you to disciplinary action. (In addition, you may be subject to administrative suspension without pay or administrative separation prior to resolution of any criminal charge for which termination would result upon a conviction.)

**5.21. Do not access, send, receive, view, print, or possess pornographic or otherwise sexually explicit material.**

You are prohibited from accessing, sending, receiving, viewing, printing, or possessing pornographic or otherwise sexually explicit material while on state property or through the use of state resources (e.g., computers, copiers).

**5.22. Do not steal or damage state property or the property of others.**

Theft or willful damage to state property or the property of others is strictly prohibited. This includes acquiring property that you know was stolen by another.

**5.23. Do not gamble while on duty or on state property.**

State law prohibits betting or gambling while on official duty or on state property.

**5.24. Do not report to work or perform work while under the influence of alcohol or drugs.**

You are prohibited from consuming, using, or being under the effects of alcohol, drugs, or any mood-altering substance at work or on TYC premises. Exceptions will be made for prescription drugs or over-the-counter medications that do not significantly interfere with the performance of job duties. You must notify your supervisor prior to commencing work while taking a prescription drug or over-the-counter medication that may impair your mental or physical capabilities. Having a positive alcohol or drug test result is a violation of this rule.

**5.25. Submit to alcohol or drug tests as required.**

You are required to submit to alcohol or drug tests as outlined in existing policies, procedures and federal regulations.

Note: Additional information regarding the agency's alcohol and drug testing provisions and procedures are included in PRS.01.18 (Alcohol and Drug Testing).

**5.26. Smoke only in outside locations designated as smoking areas.**

You are prohibited from smoking inside any TYC building or facility.

**5.27. Do not participate in unauthorized solicitations or sales.**

No commercial solicitations, whether verbal or written, are permitted during working hours or in work areas. You may coordinate or participate in a voluntary work-related fundraiser during



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working hours or in work areas (such as office collections for flowers, parties, or fundraiser for a coworker), as long as the fundraiser does not interfere with your daily work routine and prior approval for the fundraiser was obtained from the CLA or department head.

### 5.28. **Ensure your personal contact information is current and valid.**

You are required to have current and valid contact information on file and to immediately notify your local Human Resources Administrator of any changes to the information. The required information includes the following:

- a telephone number (or for a person who can reach you on short notice if you do not have a telephone number);
- your physical and mailing address; and
- emergency contact.

## SECTION IX. LEAVES OF ABSENCE AND OTHER BENEFITS

### *Is TYC covered by the Family and Medical Leave Act (FMLA)?*

Yes. The TYC grants FMLA leave to eligible employees in accordance with the FMLA and applicable state law. TYC employees are notified of their rights and responsibilities under the FMLA through the notice prescribed by the United States Department of Labor (Employee Rights and Responsibilities under the FMLA). This notice is provided to each newly hired and rehired employee during the New Employee Orientation Session and posted in employee common-use areas by the local HRAs.

To be eligible for FMLA leave, you must meet both of the following two service requirements:

- You must have at least 12 months (or 52 weeks) total state service. If you had a break in state service and the break was longer than seven years, the service accrued prior to the break will not count toward the 12-month service requirement.
- You must have physically worked at least 1,250 hours during the 12-month period immediately prior to the leave period; time on leave will not count toward the minimum 1,250 hours.

In addition to the Employee Rights and Responsibilities under the FMLA notice, PRS.27.10 (FMLA) provides additional information regarding events qualifying for FMLA leave (e.g., serious health conditions, military exigency leave, and military caregiver leave), maximum amounts of FMLA leave, and employees' responsibilities regarding this leave entitlement.

### *What other types of leave does the agency offer its employees?*

The TYC has outstanding leave benefits for its employees. The various policies regarding leave benefits and entitlements are included in the PRS manual, Chapter 27, Leave, Time, and Attendance. The categories of other leave that may be available to TYC employees include the following (with the applicable PRS policy that you may reference for more information):

- state holidays (PRS.27.03 and the state holiday schedule on the TYC Internet under Employment);
- vacation (or annual) leave (PRS.27.05);
- sick leave (PRS.27.07);
- sick leave pool (PRS.27.08);
- emergency leave – death in immediate family (PRS.27.11);
- emergency leave – inclement weather or other emergency conditions (PRS.27.13)
- administrative leave for jury or witness duty (PRS.27.15);
- administrative leave for special purposes (PRS.27.17), which includes firefighter leave, foster parent leave, parental leave, leave for organ or bone marrow donors, leave for donation of blood,



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non-FMLA medical leave (NFM leave), personal unpaid leave, administrative leave, and disaster relief leave; and

- military leave (PRS.27.19).

### ***What other benefits does the agency offer?***

The TYC offers several other benefits to eligible employees including hazardous duty pay, longevity pay, direct deposit, the "Homes for Heroes" home loan program, educational assistance program (PRS.19.25), an employee assistance program, and a savings bond program.

- The TYC Benefits Overview summarizes the benefits offered by the agency, and the overview is located on the TYC Internet on the Employment webpage.
- The Employees Retirement System of Texas (ERS), which is the administrator for our retirement system, insurance benefits, and flexible spending accounts, provides a New Employee Benefits Guide on its website at [www.ers.state.tx.us](http://www.ers.state.tx.us).

## **SECTION X. EMPLOYEE GRIEVANCE SYSTEM**

To promote fairness, the TYC provides its employees a comprehensive grievance system through which work-related complaints can be addressed. You may file a grievance regarding:

- discipline or other adverse personnel action (unfavorable action affecting only one employee, such as denial of a promotion, an unfavorable job performance evaluation, or administrative separation);
- unlawful conduct or other serious impropriety (e.g., inappropriate sexual conduct, any form of illegal discrimination; retaliation prohibited by policy or law);
- working conditions; or
- other employment-related matters, subject to the limitations in PRS.35.03 (Employee Grievances).

### ***What steps should I take to file a grievance?***

- Obtain an HR-210 form (TYC Statement of Grievance Form) from your local HRA or employee grievance contact, from the TYC Internet or Intranet via a link in PRS.35.03 (see instructions in the Introduction, paragraph C), or from the agency's employee grievance coordinator in Central Office.
- Complete the HR-210 form based on the information and instructions provided in the form.
- Submit the fully-completed HR-210 form to either the local employee grievance contact or the employee grievance coordinator in the Central Office. If for any reason you are reluctant to file a grievance with the local employee grievance contact, you may file the grievance directly with the agency's employee grievance coordinator in the Central Office.

### ***May I use state time and resources to prepare a grievance?***

No. You must use your own personal time and resources, including postage and supplies, when preparing a grievance. However, you may use an agency fax machine to submit a grievance or grievance appeal to the employee grievance coordinator in TYC's Central Office (fax: 512-459-2583).

### ***Is there a deadline for filing a grievance?***

Yes. The following are the deadlines for filing a grievance. PRS.35.03 contains additional information regarding the calculation of the calendar days. Grievances that are filed late will be considered for acceptance on a case-by-case basis; however, there is no guarantee of acceptance for a late grievance.



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- Grievances alleging illegal discrimination or sexual harassment must be filed within 90 calendar days of the alleged violation.
- Grievances regarding disciplinary termination of employment must be filed within 14 calendar days after receipt of written notice from the decision authority terminating the grievant's employment. (If you are terminated through the disciplinary process, you will have an option to file a grievance or request Independent Dismissal Mediation.)
- All other grievances must be filed within 21 calendar days of the action, event or condition which is the subject of the complaint.

### ***Who can I contact if I have a question about filing a grievance?***

You may contact your local HRA, local employee grievance contact, or the employee grievance coordinator in the Central Office at 512-459-2544.

### ***Can I appeal the grievance decision (response) if I disagree with it?***

In some situations, you are allowed one appeal. The grievance decision should indicate whether you have the right to an appeal. Contact the employee grievance coordinator in Central Office if it is not clear whether the decision is appealable. If an appeal is allowed, it must be received by the employee grievance coordinator in Central Office within 14 calendar days of the date you received the decision.

### ***What about retaliation?***

The agency strictly prohibits retaliation against any person for filing a complaint through the employee grievance system or through an outside agency, or for participation as a witness in any complaint or complaint investigation. This prohibition includes harassment, intimidation, or coercion of any person because of involvement in a grievance or complaint, whether as a party, representative, or witness.

## REMINDERS

As you read and refer to this handbook throughout your employment with TYC, keep the following in mind:

- The information in this handbook is current as of the publication date, but is subject to change as statutes, regulations, and agency policies are modified.
- Both the PRS and GAP manuals, as well as this handbook, are available on the TYC Internet ([www.tyc.state.tx.us](http://www.tyc.state.tx.us)) and TYC Intranet along with other procedures, guidelines and helpful resources.
- No handbook or policy manual can address every possible situation that may arise.
- It is your responsibility to seek guidance from your local HRA, immediate supervisor, or chain of supervision on any policy, rule or other provision that is not clear to you.

You are encouraged to fill in the blanks on the next page regarding important contacts that were referenced in this handbook in order that you may easily retrieve this information when needed. You may obtain the contact information from your local HRA or your immediate supervisor.

Thank you for choosing to become part of the TYC family and part of an agency that truly recognizes our employees as our greatest asset.





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Position	Name	Phone Number
Local HRA:		
Immediate Supervisor:		
Second-line Supervisor:		
Chief Local Administrator:		
Additional Duty Safety Officer:		
Facility Administrative Duty Officer:	(will vary)	Cell:

Work Address	Other Important Phone Numbers (e.g., to report tardiness or absence; report emergencies; call the gatehouse)

**Other Important Notes:**