

CHAPTER 935

H.B. No. 2316

AN ACT

relating to a standardized grievance procedure for certain employees of certain counties and political subdivisions.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. POLICY. The purpose of this Act is to provide reasonable, standardized grievance procedures for certain counties and their employees because:

(1) it is the policy of this state that the right of public employees to present, individually or through a representative that does not claim the right to strike, grievances concerning their wages, hours of work, or conditions of work should continue unimpaired; and

(2) the application of that policy creates a need for reasonable, standardized procedures for certain populous counties and their employees.

SECTION 2. COUNTIES AND EMPLOYEES AFFECTED. This Act applies only to counties with a population of more than 2.4 million, according to the most recent federal census, and their employees, including but not limited to the employees of road and bridge districts, flood control districts, adult probation departments, and juvenile probation departments in the counties. The provisions of this Act do not apply to the employees of any sheriff's department.

SECTION 3. DEFINITION. In this Act, "grievance" means a claim by an employee that the employee was adversely affected by a violation, misinterpretation, misapplication, or disparity in the application of a specific law, ordinance, resolution, written or unwritten policy, rule, or regulation regarding wages, hours of work, or conditions of work.

SECTION 4. PROCEDURE IN GENERAL. Grievances shall be presented and adjusted in accordance with the grievance procedures prescribed by this Act.

SECTION 5. STANDARDIZED GRIEVANCE PROCEDURE. The commissioners court shall enact orders to provide for the filing of written grievances, written responses to the grievance allegations, procedures for appeal to an appointed county grievance resolutions committee, further appeal to the commissioners court, presentation of grievances by an employee's requested representative, reasonable leave with pay for the presentation of grievances, and other necessary procedures to permit effective implementation of this Act. The orders and procedures shall apply equally to all employees of the county, including employees of independent elected officials, and shall provide for reasonable timetables for filing and responses to grievances.

SECTION 6. NO RETALIATION OR REPRISAL. (a) An employee may not be made subject to retaliation, reprisal, or discrimination on account of having exercised any right or participated in any procedure established by this Act. A supervisor or management official may not be made subject to retaliation, reprisal, or discrimination because of any grievance adjustment offered under this Act to an employee with a grievance or because of testifying on any employee's behalf during a grievance procedure under this Act.

(b) A district court of appropriate venue may enjoin a violation of this section, and the court may order, in addition to other relief, the mandatory reinstatement and the payment of back pay for individuals discharged, suspended, or demoted in violation of this section.

(c) Any individual suffering retaliation, reprisal, or discrimination in violation of this section is entitled to reasonable attorney's fees as a result of successful court action regarding the retaliation, reprisal, or discrimination.

SECTION 7. PROSPECTIVE APPLICATION OF ACT. This Act applies only to a grievance based on events that occur on or after the effective date of this Act. The commissioners court shall enact the orders required by Section 5 of this Act by September 1, 1987; provided however, the commissioners court may amend the orders after that date as necessary for the effective implementation of this Act. Amended orders may not apply to grievances alleged to have occurred prior to the date of the amended orders.

SECTION 8. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 22, 1987, by the following vote: Yeas 147, Nays 1, 1 present, not voting. Passed by the Senate on May 29, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 20, 1987.

Effective June 20, 1987.