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82nd Legislature: Post Legislative Session Update

Editor's note: The regular session of the 82nd Texas Legislature concluded on Monday, May 30, 2011. TDCJ Executive Director Brad Livingston recently answered questions about how decisions made during the session will impact the agency and its employees.

So, did the agency fare better or worse than you expected during the legislative session?

It was certainly better than what seemed likely when the session began. A reduction in force impacting several thousand employees and virtually all aspects of agency operations was on the table back then, as well as proposed cuts in funding for treatment and diversion programs that would have negatively impacted offender population growth, resulting in less staff supervising many more offenders. Entire functions such as chaplaincy and victim services would have been eliminated. However, as we emphasized at the time, the appropriations bills as introduced were just the starting point for bud-

get deliberations continuing for the next five months. The final product looked very different. Now I don't mean to suggest the budget reductions were insignificant, particularly not those eliminating positions, but the impact on our operations and mission is manageable.

Which positions were eliminated by the budget reductions?

The Legislature eliminated funding for the Central Unit in Sugar Land effective September 1, 2011, which impacts about 290 positions, as well as funding for about 150 positions in unit-based support functions across the state, and funding for a small number of positions within Texas Correctional Industries. The reduction in force is much less than first proposed, which I believe is partly due to the proactive approach the agency took in reducing expenditures during Fiscal Year 2011. However, I realize that is small consolation to those individuals directly impacted. We plan to mitigate the impact on our workforce by filling vacant positions,

and, through a managed hiring freeze, I think we have created opportunities to do so. Most job opportunities continue to be in the correctional officer ranks.

When will employees know if their position has been eliminated pursuant to the budget reductions?

Very soon. Once those decisions have been made, we will notify affected individuals as soon as possible. Obviously, many employees at the Central Unit already know.

For the majority of the TDCJ workforce who will not be impacted by a reduction in force, what changes should they anticipate in their pay, benefits and retirement?

Relatively little, I am pleased to say. Proposals to reduce salaries or freeze career ladders were not adopted. I know you are working with Jan Thornton, TDCJ's Director of Human Resources, on an article which discusses these issues at length, so I won't discuss this subject in any detail. However, let me say it again, the outcome was very positive for our employees.

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When will the Central Unit close? And what will happen to the offenders currently housed at the facility? Where will they go?

There is no money to operate the Central Unit after August 31, 2011. With the possible exception of a few operations there which support other facilities, Central will be closed by then. As for the inmate population, we will spread them out among a number of our other facilities, but not too many to any one unit. The trusty camp offenders will be easiest to place as it is always a challenge to fill those beds. We will also add a few beds in the dormitories of certain units, which is acceptable as long as the increases are limited in scope.

And where will the money go from the sale of the property?

Not to TDCJ. Consistent with state law, the proceeds will be deposited in the Texas Capital Trust Fund.

What about the treatment and diversion initiatives funded by the Legislature in 2007? How were they impacted by the budget reductions?

Funding for certain community corrections programs was reduced by about 5 percent, which is not good but far less of a reduction than originally contemplated. However, funding for substance abuse treatment and other 2007 initiatives was either maintained or reduced only to the extent there was sur-

plus capacity. I think you have to say that in a time of substantial budgetary constraints, the Texas Legislature maintained their commitment to those programs.

In addition to those we have already discussed, what other agency budget reductions will have an impact?

The other most notable reduction involves funding for correctional managed health care. Appropriations for inmate health care are well below the funding levels for the current biennium, and remember that inflation in health care is greater than in other areas of expenditure. Providing offender health care within the amounts appropriated is a big operational challenge facing the health care providers and the agency.

While it is not a reduction in funding to TDCJ, appropriations to the Windham School District were decreased substantially, so undoubtedly we will see changes in academic and vocational education for incarcerated offenders.

We have talked a lot about budget reductions; is there any new money in the upcoming budget to highlight?

There were no new initiatives funded, if that's what you mean, but we didn't seek any money for new programs. We sought to maintain sufficient funding for our core operations and, thanks to the Texas Legislature and Governor Perry, we were able to do so. There were still some significant reductions,

but overall the outcome was pretty good. Although it is not new money, one item the Legislature continued to fund is the renovation and repair of existing facilities. With the age of many of our prison units, that is a critical investment in their infrastructure which is rarely recognized but makes an important contribution to safety and security.

Besides the budget, what about other legislation impacting the agency?

Well, for the first time state jail felons will soon be eligible for good time credits, although unlike the good time awarded to prison inmates, the sentencing judge will determine whether any credit is awarded. I encourage our employees to check out the summary of recently enacted legislation that is currently on the TDCJ website. There were bills passed that will be of interest to many of our staff.

Is there anything else you would like to say to TDCJ employees?

First, I appreciate how difficult it is to remain focused on your job when decisions are being made that will affect your future and the agency's future. Frequent media reports about these issues - some accurate, many not - make it even more difficult. Throughout the legislative session we tried to keep you informed regarding legislative deliberations. Sometimes we had to wait for information to become public, but we strived to provide you with timely information regarding their de-

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cisions. Now that those decisions have been made, I hope you have one less distraction.

Second, thank you once again for your public service. As a TDCJ employee you have one of the most challenging and difficult jobs in state government. The Texas Department of Criminal Justice is an outstanding criminal justice agency with opportunities for future improvement; I know you are responsible for the former and will help us achieve the latter. ●