

Texas Department of Criminal Justice

PERS 184

Notification of Conduct Review

Note to Employee: You have a conduct review scheduled to address allegations of a rule violation outlined in the Code of Conduct and Performance Standards from [PD-21](#), "Anti-Discrimination in the Workplace" or [PD-22](#), "General Rules of Conduct and Disciplinary Guidelines for Employees." This review offers an opportunity for open dialogue to gain a complete understanding of the incident and determine appropriate next steps.

Employee Information

Printed Name	Payee ID Number	Job Title	Unit/Division
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Conduct Official Information

Printed Name:	Job Title:
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Section I: Allegation

Alleged Violation Number:	Violation Title:
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Alleged Violation Number:	Violation Title:
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Summary of Incident(s):

If the violation/s resulted from any of the following types of high-level investigations, the investigation must be attached.

Behavioral Intervention Plan Fact Finding Inquiry	Risk Management Incident Review
Office of the Inspector General (OIG) investigation	Serious Incident Review
Equal Employment Opportunity Investigation	Executive Administration Investigation

Case Number:

Section II: Employee Disciplinary History

First Offense	Offense Date:	Violation:	Disciplinary Action Imposed:	Active Period End Date:
Second Offense	Offense Date:	Violation:	Disciplinary Action Imposed:	Active Period End Date:
Third Offense	Offense Date:	Violation:	Disciplinary Action Imposed:	Active Period End Date:

Range of Disciplinary Action

FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
1. Probation* up to 6 months	1. Probation up to 9 months	1. Probation up to 12 months	DISMISSAL ONLY
2. Suspension Without Pay up to 30 days	2. Suspension Without Pay up to 30 days	2. Suspension Without Pay up to 30 days	
<input type="checkbox"/> Dismissal Only	3. Reduction in Pay by 3.4%, 6.8%, or 10.2% up to 6 months <input type="checkbox"/> Dismissal Only	3. Reduction in Pay by 3.4%, 6.8%, or 10.2% up to 6 months 4. Demotion within 1-3 Salary Groups <input type="checkbox"/> Dismissal Only	

Section III: Conduct Review Information

Routing: Refer to PD-21 Procedures Section III. or PD-22 Procedures Section IV.

*Employee development plan required. See PD-22 Procedures Section V.E.1.a.

Location:	Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM
List of Supporting Documentation Provided		
<input type="checkbox"/> Preliminary Conduct Investigation (PERS 325 – 2 pages)		
<input type="checkbox"/> Inter-Office Communication Witness Statements:		
<input type="checkbox"/> Additional Documentation:		

Section IV: Notification and Attendance Acknowledgement
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<input type="checkbox"/> In Person	<input type="checkbox"/> Email	<input type="checkbox"/> Via Certified Mail	Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM
<input type="checkbox"/> I do wish to attend the conduct review.					
<input type="checkbox"/> I waive the 48-hour notice of conduct review and understand that the conduct official may reschedule the review to an earlier date and time. If I wish to attend, I will be informed of the new time and date.					
<p>Note to Employee: By waiving the right to a 48-hour notice, you agree that this waiver will apply throughout the entire disciplinary process, including any rescheduled conduct reviews.</p>					
<input type="checkbox"/> I do not waive the 48-hour Notice of Conduct Review.					
<input type="checkbox"/> I DO NOT wish to attend the conduct review. I understand my failure to appear constitutes waiving the right to a review, and the review may be conducted in my absence.					

Employee Acknowledgement	Signature	Date	
Refusal to Sign Date:			
HRS Printed Name	Signature	Neutral Third-Party Printed Name	Signature

Section V: Rescheduled Conduct Review
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Location:	<input type="checkbox"/> Reconvened	Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM
Justification:			Employee Initial for Acknowledgment:
Location:	<input type="checkbox"/> Reconvened	Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM
Justification:			Employee Initial for Acknowledgment:
Location:	<input type="checkbox"/> Reconvened	Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM
Justification:			Employee Initial for Acknowledgment:

Routing: Refer to PD-21 Procedure Section III. or PD-22 Procedures Section IV.

Note to Employee: This review will be conducted in accordance with the guidelines outlined below, which provides information on scheduling extensions, representation, witnesses, and other related matters. Please carefully review these guidelines and come prepared to discuss the incident constructively. Your participation in this review is considered official business.

I. Prior to Your Conduct Review

- A. Request for an Extension:** If you are on approved sick leave at the time the notification documentation was provided to you, you may make a one-time request for the conduct review date to be rescheduled within 30 calendar days. This request shall be made within 48 hours of receipt, made in writing or made orally with a written follow-up. You shall state the specific reason an extension is necessary. The conduct official may deny the request; however, the conduct official shall provide you with a written explanation for denying the request.
- B. Witnesses on Your Behalf:** You may elect to have witnesses, with first-hand knowledge of the events under review, provide a statement on your behalf. Witnesses are not allowed to provide hearsay or character evidence. It is the employee's responsibility to arrange for the witnesses to be present at the conduct review. The conduct official may choose to ask their own questions or questions provided by the employee. This may be before, during, or after the conduct review, although this is not required of the conduct official. The conduct official will decide whether to interview the witnesses during the conduct review. If the facts relating to the statement were disclosed during the investigation, it may not be necessary to interview the witnesses during the conduct review. Witnesses who are available to appear on the employee's behalf shall be available at no expense to the TDCJ other than the recording of such time as time worked.
 - 1. **Witnesses on Behalf of the Conduct Assessor:** You shall be allowed to ask questions of any person who appears at the conduct review as a witness against you.
- C. Representative:** The TDCJ will not pay compensation or reimburse the expenses of a representative, whether the representative is a state employee or an individual from outside state service. Appearance as a representative at an employee hearing is not official business. Meetings between an employee and the employee's representative that relate to a conduct review shall not occur during paid working hours. If an employee acting as a representative attends a conduct review held during working hours, that employee shall obtain prior approval to use accrued leave or, if accrued leave is not available, leave without pay to attend the conduct review.
- D. Americans with Disabilities Act (ADA) Accommodation:** You shall notify the TDCJ accommodation coordinator, Support, Human Resources Division, if you require an accommodation.
- E. Conduct Review Setting:** At the discretion of the conduct official, conduct reviews shall be held in person at a TDCJ location. Representative may attend remotely.

II. During Your Conduct Review

- A. Conduct by Participants:** All parties, including your representative, shall conduct themselves in a professional manner and afford the persons present due respect. Only one reminder of the conduct expected at the conduct review may be issued. The offending party may be required to leave the proceedings if conduct that is contradictory to these guidelines continues. If you or your representative leaves during the proceedings, the conduct review may be conducted and concluded in your or your representative's absence.
- B. Presenting Your Defense and Use of a Representative:** During the conduct review, you may elect to speak for yourself or be represented at the conduct review by a designee of your choice, as long as your representative: (1) does not claim the right to strike; and (2) is not an individual under the supervision or custody of the TDCJ. The designation of a representative does not prohibit you from: (1) attending or having input into the conduct review; or (2) responding to questions from the conduct official, or your designated representative. The conduct official is not obligated to schedule the conduct review around the representative's schedule.

At the beginning of the conduct review, you shall specify whether your representative is the party responsible for presenting your defense. Both you and your representative may provide information to

Routing: Refer to PD-21 Procedure Section III. or PD-22 Procedures Section IV.

the conduct official for consideration. However, only one person may be designated as the party responsible for presenting your defense, and only one person may speak at a time. Regardless of the party responsible for presenting your defense, you and your representative will be allowed to have quiet conversations regarding information that may be provided to the conduct official. Objections shall pertain only to TDCJ policy and procedural-related issues.

III. After Your Conduct Review

- A. **Time Reporting:** Your attendance at the conduct review and attendance by an employee acting as a witness will be considered official business, and you and any employee acting as a witness will be released by the supervisor on paid time during working hours. You and any employee acting as a witness shall provide sufficient advance notice to the supervisor to ensure adequate staffing.
- B. **Travel Expenses:** Time spent traveling outside the local area of an employee's assigned duty station will be considered time worked. Eligible travel expenses shall be reported in accordance with state travel regulations and TDCJ policy.
- C. **Copies of Investigative Files:** At the time of this notification, you were provided a copy of the applicable preliminary conduct investigation report along with supporting documentation that is subject to disclosure and being used as evidence. To request to obtain copies of evidence that is not subject to disclosure, such as confidential portions of OIG and EEO reports, you shall request the documents in writing through a public information request. The request will be processed in accordance with the *Public Information Act*.
- D. **Dismissal Recommended:** If the conduct review results in a dismissal recommendation, you will have the opportunity to request independent dismissal mediation in accordance with [PD-35](#), "Independent Dismissal Mediation and Dispute Resolution."
- E. **Grievance:** You may submit a grievance in accordance with [PD-30](#), "Employee Grievance Procedures," relating to disciplinary action after it has been imposed.

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