

Texas Department of Criminal Justice

PD-21 Code of Conduct and Performance Standards

Code of Conduct and Performance Standards

Our Code of Conduct and Performance Standards empowers employees to embody our core values of perseverance, integrity, courage, and commitment. By persisting through challenges, making principled decisions, and fostering excellence, they contribute to our success and uphold our agency's reputation.

Within this framework, we encourage employees to demonstrate resilience in the face of adversity. Upholding the highest standards of integrity, they act as role models for their colleagues and the community we serve. Their courage enables them to navigate complex situations with grace and determination, always guided by our shared purpose.

- A. Legal and Policy Compliance**
Uphold all federal, state, and local laws, and adhere to the agency's policies, procedures, and regulations.
- B. Humane Treatment**
Provide and support the provision of humane custody, supervision, and care of inmates.
- C. Ethical Conduct**
Uphold the highest standards of ethical conduct in all professional roles. This includes honesty, integrity, and impartiality. Refrain from actions, including harassment, that could compromise the ethical standards or tarnish the reputation of the Texas Department of Criminal Justice (TDCJ).
- D. Prevention of Sexual Harassment**
Do not sexually harass or condone sexual harassment towards any person. Report any policy violations to the appropriate authorities.
- E. Non-Discrimination and Non-Retaliation**
Do not discriminate against any person on the basis of race, color, religion, sex, national origin, age, disability, genetic information, or any other category protected by state or federal laws. Do not retaliate for opposing or reporting employment discrimination, participating in an investigation related to employment discrimination, or requesting a work-related accommodation.
- F. Confidentiality**
Maintain confidentiality of all information related to employees, inmates, and agency operations that is not public record. This includes refraining from disclosing such information to unauthorized individuals both within and outside the TDCJ. Confidential information may only be released when explicitly permitted by agency policy or required by state or federal law.
- G. Performance Standard**
Be firm, fair and consistent in the performance of duties.
- H. Conflict of Interest**
Act with integrity, ensuring that actions do not compromise the trust set forth by the TDCJ. Avoid any actions that could result in a conflict of interest. This includes avoiding the use of an official position for unauthorized personal gain or the personal gain of friends or family.
- I. Prohibition of Undue Influence**
Avoid conduct that creates an implication that may lead another person or entity to expect official favors.
- J. Organizational Representation**
Recognize that the Code of Conduct and Performance Standards and TDCJ policies are a symbol of the agency's commitment to the public and a direct reflection on the employee as an individual.

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Definitions

The following definitions apply solely to the violations.

“Employee”

Any person employed by the TDCJ on a full-time, part-time, or temporary basis.

“Hostile Work Environment”

An environment driven by persistent or severe actions which create an intimidating, offensive or abusive work atmosphere.

“Protected Activity”

Actions employees engage in that are protected by state or federal laws. This may include filing and EEO complaint, participating in an EEO investigation, or requesting an accommodation.

“Protected Class”

Discrimination against other individuals in a protected class may be against state or federal laws. Protected classes include age, disability, genetic information, national origin, pregnancy, race/color, religion, and sex.

“Quid Pro Quo”

A form of sexual harassment where a person in a position of power offers or demands sexual favors or other inappropriate actions as a condition for employment decisions and benefits.

List of Violations

Upholding the code of conduct and performance standards are crucial. Misaligned behavior may result in disciplinary action as outlined in the list of violations below:

A. LEGAL AND POLICY COMPLIANCE

Violations surrounding legal and policy compliance are listed under [PD-22](#), “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

A.7 Failure to Report – Supervisors failing to report a potential EEO incident, they witnessed or were made aware of, to Intake within 72 hours.

B. HUMANE TREATMENT

Violations surrounding humane treatment of inmates are listed under [PD-22](#), “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

C. ETHICAL CONDUCT

Violations surrounding ethical conduct are listed under [PD-22](#), “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

D. PREVENTION OF SEXUAL HARASSMENT

D.1 Sexual Harassment – Harassing another employee of the same or opposite sex including quid pro quo, unwelcome sexual advances, requesting for sexual favors, and other verbal or physical conduct of a sexual nature.

D.1.1 Sexual Harassment – Criminal – Actions deemed illegal by state or federal law.

D.1.2 Sexual Harassment – Hostile – Actions that target a protected class or a protected activity and rises to the level of a hostile work environment.

D.1.3 Sexual Harassment – Lower-Level – Actions that target a protected class or a protected activity but does not rise to the level of a hostile work environment.

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E. NON-DISCRIMINATION AND NON-RETALIATION

- E.1 Equal Pay/Compensation Discrimination** – Not providing equal pay for equal work. All forms of pay are covered, to include salary, overtime pay, merit compensation, and benefits.
- E.2 Failure to Accommodate** – When a supervisor fails to provide a requested or approved reasonable accommodation in accordance to [PD-14](#), “Americans with Disabilities Act and Employment of Persons with a Disability,” or [PD-15](#), “Religious Accommodation in the Workplace.”
- E.3 Retaliation** – Treating another employee less favorably for participating in a protected activity. This includes taking action to deter a reasonable person from filing a complaint.
 - E.3.1 Retaliation – Criminal** – Actions deemed illegal by state or federal law.
 - E.3.2 Retaliation – Hostile** – Actions that target a protected class or a protected activity and rises to the level of a hostile work environment.
 - E.3.3 Retaliation – Lower-Level** – Actions that target a protected class or a protected activity but does not rise to the level of a hostile work environment.
- E.4 Harassment** – Exhibiting unwelcome verbal, written, or physical conduct toward an employee in a protected class.
 - E.4.1 Harassment – Criminal** – Actions deemed illegal by state or federal law.
 - E.4.2 Harassment – Hostile** – Actions that target a protected class or a protected activity and rises to the level of a hostile work environment.
 - E.4.3 Harassment – Lower-Level** – Actions that target a protected class or a protected activity but does not rise to the level of a hostile work environment.
- E.5 Discrimination** – Treating other employees differently relating to hiring, firing, pay, job assignments, promotions, layoffs, training, benefits, and any other aspects of employment that target any protected class or activity.
 - E.5.1 Discrimination – Criminal** – Actions deemed illegal by state or federal law.
 - E.5.2 Discrimination – Hostile** – Actions that target a protected class or a protected activity and rises to the level of a hostile work environment.
 - E.5.3 Discrimination – Lower-Level** – Actions that target a protected class or a protected activity but does not rise to the level of a hostile work environment.

F. CONFIDENTIALITY

Violations surrounding confidentiality are listed under [PD-22](#), “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

G. PERFORMANCE STANDARD

Violations surrounding performance standards are listed under [PD-22](#), “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

H. CONFLICT OF INTEREST

Violations surrounding conflicts of interest are listed under [PD-22](#), “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

I. PROHIBITION OF UNDUE INFLUENCE

Violations surrounding prohibition of undue influence are listed under [PD-22](#), “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

J. ORGANIZATIONAL REPRESENTATION

Violations surrounding organizational representation are listed under [PD-22](#), “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

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Recommended Guidelines**

VIOLATION NUMBER	NAME	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE	ACTIVE PERIOD
		1. Probation up to 6 months 2. Suspension Without Pay up to 30 days	1. Probation up to 9 months 2. Suspension Without Pay up to 30 days 3. Reduction in Pay by 3.4%, 6.8%, or 10.2% up to 6 months	1. Probation up to 12 months 2. Suspension Without Pay up to 30 days 3. Reduction in Pay by 3.4%, 6.8%, or 10.2% up to 6 months 4. Demotion within 1-3 Salary Groups	Dismissal Only	
LEGAL AND POLICY COMPLIANCE						
A.7	Failure to Report	X	X	X	X	1 YEAR
PREVENTION OF SEXUAL HARASSMENT						
D.1.1	Sexual Harassment - Criminal	DISMISSAL ONLY				LIFE OF PERSONNEL FILE
D.1.2	Sexual Harassment - Hostile	X	X	DISMISSAL ONLY		2 YEARS
D.1.3	Sexual Harassment - Lower-Level	X	X	X	X	1 YEAR
NON-DISCRIMINATION AND NON-RETALIATION						
E.1	Equal Pay/Compensation Discrimination	X	X	DISMISSAL ONLY		2 YEARS
E.2	Failure to Accommodate	X	X	X	X	1 YEAR
E.3.1	Retaliation - Criminal	DISMISSAL ONLY				LIFE OF PERSONNEL FILE
E.3.2	Retaliation - Hostile	X	X	DISMISSAL ONLY		2 YEARS
E.3.3	Retaliation - Lower-Level	X	X	X	X	1 YEAR
E.4.1	Harassment - Criminal	DISMISSAL ONLY				LIFE OF PERSONNEL FILE
E.4.2	Harassment - Hostile	X	X	DISMISSAL ONLY		2 YEARS
E.4.3	Harassment - Lower-Level	X	X	X	X	1 YEAR
E.5.1	Discrimination - Criminal	DISMISSAL ONLY				LIFE OF PERSONNEL FILE
E.5.2	Discrimination - Hostile	X	X	DISMISSAL ONLY		2 YEARS
E.5.3	Discrimination- Lower-Level	X	X	X	X	1 YEAR