



### Opening of the Conduct Review

- Greeting and introductions.
  - Ensure there is only one representative present on behalf of the employee that meets requirements.
    - Confirm the representative is not claiming the right to strike.
    - Confirm the representative is not under the supervision or custody of TDCJ.
- Confirmation that all documentation (checklist of documentation from PERS 184) was provided to the employee and was done so prior to the required 48-hour timeframe.
  - If either of these were not met, conclude the review and have HR reschedule.
- Outline the expected behavior during the review.
  - Only one person shall speak at a time.
  - All conversations and behavior shall remain professional and confidential.
  - Outline that if a representative is present on behalf of the employee, they shall be the primary speaker.

### Primary Discussion

- The conduct official shall present the incident, the associated violations, and any evidence to be reviewed.
- Allow the employee or their representative to provide a defense.
- Allow the employee witness to present their testimony.
  - Allow the employee or their representative to question the witness.
  - Allow the conduct official to question the witness.

If there is more than one employee witness, follow the above-mentioned steps for each witness present. If witnesses are not present but statements were provided, the statements are considered evidence.
- Allow the conduct assessor witness to present their testimony.
  - Allow the conduct official to question the conduct assessor witness.
  - Allow the employee or their representative to question the conduct assessor witness.

If there is more than one conduct assessor witness, follow the above-mentioned steps for each witness present. If witnesses are not present but statements were provided, the statements are considered evidence.



### Making a Determination

- The recommended range of action options are outlined on the PERS 184.
- Use the following considerations outlined in the policy to make a determination:
  - Severity of the violation,
  - History of high-level investigations,
  - Previous disciplinarys within the active period,
  - Length of service,
  - Self-reporting of violation,
  - Cooperation during the conduct review, and
  - Changes in line of supervision or job requirements.
- If official records concerning an employee's performance contradict a conduct assessor's write-up due to recent changes in supervision, official records can be considered more reliable and given greater weight in the determination process. This may include an employee's PERS 11, "Employee Performance Evaluation," PERS 401, "Employee Performance Log," or any progressive corrective action documentation. If an employee has multiple substantiated violations, the conduct official shall consider charging under a higher offense.
- If the employee holds a supervisory position, a more severe disciplinary action may be warranted. Supervisors are expected to demonstrate the highest standards of performance and conduct. They are viewed as role models for employees and should conduct themselves in the manner they expect employees to perform. The time held as a supervisor will hold more weight than total state service time.
- The employee's defense, witness statements, and evidence shall all be considered factors.
- Record your determination on the PERS 185 and inform the employee of both the actions being imposed as well as effective dates, if applicable.
  - When a finding or disciplinary action cannot be determined, reconvene the review and have HR reschedule.

### Conclusion

- Let the employee know HR will provide them with copies of the determination and any subsequently occurring documentation.
- Advise the employee of their right to appeal their disciplinary action in the form of a grievance, or if applicable, a dismissal mediation.
- Thank everyone for their time in attending and conclude the review.