

LISTING OF EMPLOYEE GENERAL RULES OF CONDUCT AND DISCIPLINARY VIOLATIONS

These rules specify the conduct required of a TDCJ employee.

DEFINITIONS:

The following definitions apply solely to the rule violations.

“Conviction” is: (a) a finding of guilt by judge or jury and the assessment of punishment, whether confinement or fines; (b) community supervision (probation), including deferred adjudication; (c) a juvenile adjudication of delinquent conduct if the juvenile records are not sealed; and (d) an equivalent disposition of an offense under the laws of another state, federal law, or Uniform Code of Military Justice. The term does not include a pretrial diversion, which is an agreement between the defendant and prosecutor and occurs before a judicial finding, although a judge may approve of the defendant participating in the program. Pardons or reprieves do not eliminate a conviction.

“Discourteous Conduct of a Sexual Nature” is conduct, in words or actions, of a sexual nature toward or witnessed by another TDCJ employee or other individual (see definition for “Other Individual”) that: (a) a reasonable person would find offensive; or (b) is unwelcome to the person to whom such conduct is directed and that person has communicated, by words or actions, to the other person that the conduct is unwelcome.

“Discrimination” is unequal treatment of persons based on a protected class, including sexual harassment. Discrimination by employers falls into four general areas: (1) hiring and firing, such as failing or refusing to hire, or discharging; (2) employment conditions, such as compensation, terms, conditions, or privileges; (3) segregation and classification, such as limiting, segregating, or classifying employees in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect their status as an employee; and (4) training, such as unequal access to training that may affect an individual’s ability to promote.

“Employee” is any person employed by the TDCJ on a full-time, part-time, or temporary basis.

“Harassment” is systematic or continued unwanted actions, including threats and demands, directed toward an employee or other individual that may create a hostile work environment for the person to whom the acts are directed.

“Hazing” is conduct that intentionally subjects another person to embarrassment, intimidation, or ridicule and risks emotional and/or physical harm.

“Horseplay” is rough or boisterous conduct by an employee for the purpose of amusement, such as running, wrestling, or offensive practical jokes.

“Hostile Work Environment” is offensive behavior that is severe or pervasive enough to alter the victim’s employment conditions and create an abusive working environment. All the circumstances shall be considered, including the frequency of the conduct, the severity, whether it is physically threatening or humiliating, or a mere offensive utterance, and whether it unreasonably interferes with an employee’s work performance. Isolated instances, unless extremely serious, will not amount to discriminatory changes in the terms and conditions of employment.

“Marriage” includes “ceremonial marriage” and “informal marriage,” which are the two types of marriage recognized by the state of Texas and are defined as follows:

- a. “Ceremonial Marriage” is a marriage documented by: (1) a marriage license recorded with a county clerk; and (2) a marriage certificate issued by the county clerk.
- b. “Informal Marriage,” previously known as common law, is a marriage that is not necessarily documented through a county clerk, but is valid when a couple agree to be married and after that agreement live together in the state of Texas as a married couple and represent to others that they are married.

“Offender” is an individual under the supervision or custody of the TDCJ, including a TDCJ offender housed in privately operated, federal, county, or other states’ facilities. These individuals include, but are not limited to, parolees, individuals under mandatory supervision, incarcerated individuals, and individuals housed in county jails that have been sentenced to the TDCJ but are not yet in TDCJ custody.

“Other Individual,” for the purpose of Rule Number 5, includes, but is not limited to, a contract employee, applicant, employee of a vendor, intern, or volunteer. For the purpose of Rule Numbers 21, 50, and 53, the definition includes, but is not limited to, a contract employee, applicant, employee of a vendor, intern, or volunteer who reports or is a victim of sexual harassment, discrimination, or discourteous conduct of a sexual nature. This definition does not include an individual under the supervision or custody of the TDCJ.

“Property” is anything owned or leased by the state, such as equipment, land, motor vehicles, or structures.

“Protected Class” is a group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic. In the general context of equal employment opportunity, the protected classes are race, color, religion, sex (gender), national origin, age, disability, and genetic information.

“Retaliation” is: (1) any action that may deter a reasonable person from filing a complaint, participating in a proceeding regarding, or otherwise opposing an alleged EEO rule violation; or (2) any action against an applicant, employee, or other individual because of that person’s association with an individual who has engaged in a protected activity. For Rule Number 22, retaliation is any adverse action taken against a person for any reason not supported by TDCJ policy.

“Serious Injury” or “Serious Bodily Injury” is bodily damage that creates substantial risk of death or that causes death, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Sexual Harassment” is unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (a) the conduct is sufficiently pervasive or severe that it has the effect of unreasonably interfering with an individual’s work performance or creating a work environment that a reasonable person would find intimidating, hostile, or offensive; (b) submission to the conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or (c) submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting the individual.

“Spouse” means a person to whom a person is legally married.

“Use of Force” is a controlling measure taken during a confrontational situation to achieve the compliance of an offender or to maintain a safe and secure environment for offenders and staff.

“Deadly Force” is force intended or known by the actor to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.

“Excessive Force” is the use of more force than is objectively reasonable to accomplish a lawful purpose.

“Non-Provoked Use of Force” is force used absent an action by an offender involving physical assault, attempts at physical harm, an escape attempt, mutiny, rebellion, or serious damage to property.

“Provoked Use of Force” is force used in response to an action by an offender, such as a physical assault or an attempt to physically harm oneself or another, that is necessary to prevent an escape, regain control of an institution, temporarily isolate or confine an offender, prevent serious damage to property, or gain compliance with a legal order or policy for which some degree of force is required to defuse the situation. Throwing of liquids, spitting, and other such actions may be considered a provoked use of force situation depending on the circumstances. However, verbal abuse alone will not be considered a provoked use of force situation.

“Unnecessary Force” is the use of force when none is required or appropriate.

RULE NUMBER, DESCRIPTION, AND VIOLATION LEVEL

1. Tardiness - Less than One Hour - Violation Level 4:

Tardiness is less than one hour of regularly scheduled work missed without authorization. An employee shall report to work at the time specified unless excused by the appropriate supervisor. An employee who is unable to report to work on time shall notify the appropriate supervisor of the estimated time of arrival for duty.

Generally, tardiness will be handled informally by documenting the occurrence in the employee's PERS 401, TDCJ Employee Performance Log, in accordance with PD-52, "Performance Evaluations." Formal disciplinary action may be initiated for the offense of tardiness only when one of the following occurs: an employee is tardy three times within a rolling six month period; or an employee who has been charged and disciplined for tardiness is tardy again within one year from the date disciplinary action was imposed on the prior violation of tardiness. At the reprimanding authority's discretion, bona fide reasons for excused tardiness, such as unexpected road closings that result in a rerouting of traffic or adverse weather, may be exceptions to the guidelines for formal disciplinary action on a case-by-case basis.

If an employee misses less than eight minutes of regularly scheduled work without authorization, the employee may be disciplined even though the time is reported as time worked in accordance with PD-91, "Work Cycles and Compensable Hours of Work."

2. Unexcused Absenteeism - One Hour or More - Violation Level 3:

Unexcused absenteeism is one hour or more of regularly scheduled work missed without authorization. An employee shall report to work at the time scheduled unless prior arrangements are made with the appropriate supervisor.

An employee shall comply with the unit or department written notification "call in" procedures established and provided to the employee by the warden or department head. As general rules: (a) an employee who cannot report to work as scheduled shall notify the appropriate supervisor in sufficient time to arrange for a replacement; and (b) if the employee is a shift employee who is unable to contact the appropriate supervisor, the employee should provide unit or department staff with at least a two hour notice prior to the beginning of the shift.

3. Sleeping on Duty - Violation Level 2:

An employee shall remain awake, alert, and devote full attention to the employee's assigned duty or area of responsibility during working hours.

4. Leaving a Security or Duty Post - Violation Level 2:

An employee shall not leave the assigned work area without proper authorization. A correctional employee shall not leave the assigned security post until properly relieved.

5. Reckless Endangerment - See 5a, 5b, and 5c:

For mistreatment of offenders, see Rule Number 23.

5a. Reckless Endangerment: Life Endangerment - Violation Level 1:

Committing, or threatening to commit, an act while at the workplace that endangers the life of another individual, including hazing or horseplay.

5b. Reckless Endangerment: Endangerment Less than Life Endangerment - Violation Level 2:

Committing, or threatening to commit, any act that endangers the safety of another individual to a lesser degree than endangerment of life, including hazing, horseplay, or an action that results in the security of the TDCJ being jeopardized.

5c. Reckless Endangerment: Hazing or Horseplay without Injury - Violation Level 3:

Employees shall not participate in hazing or horseplay.

6. Horseplay: Voided effective August 1, 2006. Rule consisted of 6a, violation level 4 and 6b, violation level 3, was incorporated into Rule Number 5.

7. Substandard Duty Performance - Violation Level 4:

An employee shall perform duties in a manner that meets or exceeds the minimum standards established for the employee's position. Job quality and productivity standards are established by position descriptions, TDCJ policies and procedures, ethical and professional standards, and written or verbal instructions relating to job standards or expectations. Failure to meet the minimum standards of productivity or quality is prohibited.

The employee's substandard duty performance shall be clearly identified.

8. Failure to Follow Proper Safety Procedures - Violation Level 4:

An employee shall observe and follow current TDCJ policies and state and federal laws relating to safety in the workplace.

The specific safety procedure that was violated shall be clearly identified.

9. Gambling on State Property - Violation Level 1:

Gambling, as defined by the Texas Penal Code, on state property or at any location where offenders are housed or work, is prohibited.

10. Falsification of Records - Violation Level 2 - Does not include falsification relating to the State of Texas Application for Employment - See Rule Number 46:

An employee shall maintain and submit truthful, accurate, and complete records as required by the TDCJ. Falsification of records includes altering documents to reflect false information or the omission of material information. By signing or submitting a document, an employee attests to the truthfulness, accuracy, and completeness of the information presented in the document.

11. Unauthorized Taking or Use of Personal Property - Violation Level 2:

An employee shall not take or use any item of personal property not belonging to the employee, without permission from the owner. This does not include offender property, which is a violation of Rule Number 23.

12. Unauthorized Sales or Solicitations on State Premises - Violation Level 4:

An employee shall not engage in any solicitation or fundraising activity on state property, except as provided in ED-02.04, "TDCJ Fundraising."

13. Failure to Obey a Proper Order from an Authority - Violation Level 2:

An employee shall promptly obey any proper order issued by an authority. A proper order is any work-related order in the best interest of the TDCJ issued to an employee by a supervisor or through the employee's chain of supervision. Proper orders include instructions posted on employee bulletin boards.

An employee shall comply with a proper order. The employee may file a grievance after complying with the order. The specific proper order that was not obeyed shall be clearly identified when charging an employee with this violation. Failure to comply with a written policy, procedure, or statutory authority is a violation of Rule Number 20.

14. Use of Offensive Words or Actions - See 14a, 14b, and 14c:

Use of words or actions that would offend a reasonable person is prohibited. A gesture, isolated remark, or comment not directed to anyone in particular may be considered a violation of this rule. An employee shall not respond in like terms to offensive or insulting words or conduct.

The specific words or actions shall be clearly identified when charging an employee with this violation.

14a. Use of Offensive Words or Actions - Violation Level 3:

When words or actions that would not violate Rule Number 14b are used as part of a verbal or physical altercation or an act of insubordination, the employee shall be disciplined in accordance with Rule Number 15 or Rule Number 36.

14b. Use of Offensive Words or Actions – Protected Class - Violation Level 2:

Use of words or actions that humiliate or show hostility or animosity toward an individual or an individual's relative, friend, or associate, because of race, color, religion, sex (gender), national origin, age (40 or above), disability, or genetic information are a violation of this rule.

A supervisor shall report conduct that may violate this rule to Employee Relations Intake, Human Resources Division, in accordance with PD-31, "Discrimination in the Workplace." A Rule Number 14b violation shall be supported by an EEO prehearing investigation conducted in accordance with PD-31, and a disciplinary hearing held by an EEO-DAO.

14c. Use of Offensive Words or Actions – Protected Class – Toward an Offender - Violation Level 2:

This rule applies when the prohibited use of words or actions as defined in Rule Number 14b are directed toward an offender and no employee can be identified as a witness. A violation of this rule does not require an EEO prehearing investigation. If an employee witness is verified during the prehearing investigation or offender grievance process, the reporting requirements of PD-31, "Discrimination in the Workplace," will apply.

15. Verbal or Physical Confrontation or Altercation with Another Employee - See 15a and 15b:

While on duty, an employee is required to maintain a considerate, cooperative, and cordial relationship with fellow employees. An employee shall not: (1) instigate a verbal or physical confrontation toward another employee in the workplace; or (2) participate in a verbal or physical altercation with another employee in the workplace, including inappropriately responding to another employee's instigation.

The instigating employee shall be charged if the responding employee is charged. If all of the responding employee's actions are appropriate; only the instigating employee will be charged.

15a. Instigating or Participating in a Verbal Confrontation or Altercation - Violation Level 3

15b. Instigating or Participating in a Physical Confrontation or Altercation - Violation Level 2

16. Improper Operation of a TDCJ Vehicle - Violation Level 2:

An employee shall not operate a state vehicle unless the employee possesses a valid Texas driver license for the applicable class of vehicle. An employee operating a state vehicle shall operate the vehicle safely, and report promptly and accurately an accident involving the vehicle. Improper operation of a TDCJ vehicle includes an employee operating a state vehicle outside the scope of the employee's job duties at the time of an accident.

See PD-37, "Employee Commercial Drivers' Physical Examination and Alcohol/Drug Testing Program" for the definition of "Commercial Motor Vehicle."

17. Reporting to Work under the Influence of Alcohol or Drugs: Voided effective April 1, 1998. Rule was a violation level 2.

18. Possession or Removal of Contraband - See 18a, 18b, 18c, and 18d:

An employee shall not remove from TDCJ premises or the premises of a facility operated under a contract with the TDCJ any item of contraband and shall not possess or control of any item of contraband while on TDCJ premises, except as authorized.

Contraband is a specific, tangible item: (1) not issued to an employee for the performance of the employee's duties and which the employee is not authorized to possess, other than items which an employee normally possesses, such as car keys; (2) is not permitted by TDCJ policy, procedure, or practice for an offender or employee to possess, whichever is applicable; or (3) prohibited by law.

A violation of this rule that supports an employee and offender relationship is a violation of Rule Number 42.

18a. Possession, Delivery, or Removal of the Following: (1) Alcoholic Beverage; (2) Controlled Substance; or (3) Deadly Weapon without Authorization - Violation Level 1:

(1) An employee shall not have alcohol in a TDCJ facility or a facility operated under contract with the TDCJ. Alcohol in a vehicle on CID unit property is a violation of Rule Number 20, in accordance with SM-02.01, "Search of Individuals, Property, and Vehicles." Alcohol within a bachelor officer quarters (BOQ) violates BOQ rules and should be charged using Rule Number 20.

(2) Controlled Substance: An employee shall not have an illegal controlled substance at or in a TDCJ facility, or a facility operated under contract with the TDCJ.

(3) Deadly Weapon: A deadly weapon is a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or anything that in the manner of its use, or intended use, is capable of causing death or serious bodily injury. An employee shall not possess a deadly weapon in a TDCJ facility or a facility operated under contract with the TDCJ, or within a BOQ located on state property. Employees who store a firearm within a

vehicle parked at one of these locations or store a firearm within a residence located on state property shall follow procedures in accordance with AD-02.95, "Storage of Firearms," to be exempt from this rule.

18b. Delivery of the Following to an Offender: (1) Alcoholic Beverage; (2) a Drug Other than an Authorized Controlled Substance for Medical Purposes; (3) Cell Phone, Other Wireless Communication Device, or a Component of One of those Devices; (4) Cigarette or Other Form of Tobacco; or (5) Money - Violation Level 1:

For the purpose of this rule, delivery includes: an offender possessing one of these items that can be directly associated with an employee; an employee having possession of large amounts of one of the items; or an employee concealing any of the items in an abnormal place.

18c. Possession of any Contraband Other than Those Items Listed in Rule Number 18a - Violation Level 2

18d. Trafficking or Trading of any Contraband Other than Those Items Listed in Rule Number 18a or 18b - Violation Level 2:

An employee shall not accept or agree to accept such contraband from an offender, offer such contraband to an offender, or agree to purchase contraband for an offender.

19. Use of Alcohol or Illicit Drugs on the Job - Violation Level 1:

An employee shall not use alcohol or illicit drugs while on duty.

20. Violation of Statutory Authority, Court Order, Rules, Regulations, or Policies - Violation Level 2:

It is the employee's responsibility to know, have a clear understanding of, and comply with rules, regulations, policies, court orders, and statutory authority governing the operation of the TDCJ. Not being aware of the existence of any of the aforementioned is not a defense to finding a violation.

The specific rule, regulation, policy, or statutory authority shall be clearly identified when charging an employee with this violation.

21. Discrimination or Harassment Against Persons of a Protected Class or Retaliation - Violation Level 1:

Discrimination or harassment based on race, color, religion, sex (gender), including sexual harassment, national origin, age (40 or above), disability, or genetic information is prohibited. In addition, an employee shall not retaliate against an employee or other individual who filed a charge of, participated in a proceeding regarding, or otherwise opposed an alleged EEO rule violation, or associated with the applicant, employee, or other individual who is involved in such activity. Some examples of adverse employment actions that may be retaliation for purposes of this rule are identified in PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature" and PD-31, "Discrimination in the Workplace."

This rule violation shall be supported by an EEO prehearing investigation conducted in accordance with PD-13 or PD-31.

22. Harassing or Retaliating Against Another - Non-EEO related - See 22a and 22b:

An employee shall not harass or retaliate against another individual in any form or for any reason.

22a. Harassing or Retaliating Against Another Individual - Violation Level 2:

Includes all forms of harassment or retaliation not prohibited by Rule Number 21 or 22b.

22b. Harassing or Retaliating Against an Offender or Another Individual for Participating in an Official Investigation or Inquiry or for Pursuing Legal Activities, Such as Petitioning the Courts - Violation Level 1

23. Mistreatment of Offenders - Violation Level 2:

Mistreatment usually takes the form of physical abuse, but may also include such actions as threats or unauthorized denial of privileges or entitlements.

***24. Use of Excessive or Unnecessary Force - See 24a, 24b, 24c, and 24d:**

Existing policies and procedures govern the use of force to control a situation or to gain compliance with legal orders. Employees shall employ only the minimum amount of force applied in compliance with existing policies and necessary to achieve the desired results. The use of force to intimidate, coerce, punish, or for the purpose of revenge is prohibited.

Violations of the TDCJ *Use of Force Plan* shall be charged as a Rule Number 24 or 25 violation. In addition, the Aggravated Use of Excessive Force Provision may be applicable, included herein after Rule Number 25.

***24a. Use of Excessive or Unnecessary Force - Provoked without Serious Injuries - Violation Level 3**

***24b. Use of Excessive or Unnecessary Force - Provoked with Serious Injuries - Violation Level 2**

***24c. Use of Excessive or Unnecessary Force - Non-Provoked without Serious Injuries - Violation Level 2**

24d. Use of Excessive or Unnecessary Force - Non-Provoked with Serious Injuries - Violation Level 1

***25. Failure to Completely or Accurately Report a Use of Force or Commission of a Use of Force Administrative or Procedural Violation - See 25a, 25b, 25c, 25d, 25e, 25f, 25g, and 25h:**

An employee involved in or who is a material witness to a use of force incident shall provide a complete factual account of the employee's actions and observations of the incident as outlined in existing policies and procedures.

Violations of the TDCJ *Use of Force Plan* shall be charged as a Rule Number 24 or 25 violation. In addition, the Aggravated Use of Excessive Force Provision may be applicable, included herein after Rule Number 25.

***25a. Failure to Report: Relating to Use of Deadly, Excessive, or Unnecessary Force - Provoked without Serious Injuries - Violation Level 3**

***25b. Failure to Report: Relating to Use of Deadly, Excessive, or Unnecessary Force - Provoked with Serious Injuries - Violation Level 2**

***25c. Failure to Report: Relating to Use of Deadly, Excessive, or Unnecessary Force - Non-Provoked without Serious Injuries - Violation Level 2**

25d. Failure to Report: Relating to Use of Deadly, Excessive, or Unnecessary Force - Non-Provoked with Serious Injuries - Violation Level 1

***25e. Failure to Report: Relating to Non-Excessive and Necessary Use of Force - Violation Level 3**

***25f. Administrative or Procedural Violation of a Security Nature Relating to Use of Force - Violation Level 2:**

For example, failure to follow required security procedures, such as use of mechanical restraints when appropriate.

***25g. Administrative or Procedural Violation Relating to Use of Force - Violation Level 3:**

For example, failure to videotape a use of force incident or make an offender notification.

***25h. Technical Violation Relating to Use of Force - Violation Level 4:**

For example, failure to remove lens cap from camera, insert or rewind videotape, or keep offender participant in full view.

***Aggravated Use of Excessive Force Provision - Applies to Rule Numbers 24 and 25:**

Aggravated is defined as conduct indicating a deliberate act, without just cause or provocation, by an employee who:

1. Uses excessive force;
2. Conspires with another employee who uses excessive force. Conspiracy may include, but is not limited to, the participation in or observation of the use of excessive force or having prior knowledge of an imminent use of excessive force;
3. Participates in or witnesses a use of excessive force, knows the use of excessive force is aggravated, and fails to report the use of excessive force; or
4. Witnesses a use of excessive force, does not know the use of excessive force was aggravated at the time the incident occurs, becomes aware the excessive force was aggravated after the incident occurs, and fails to report the use of excessive force or reports the use of excessive force but covers or withholds the fact the excessive force was aggravated.

If a preponderance of evidence substantiates that:

- A violation of Rule Number 24 involved an aggravated use of excessive force; or
- A violation of Rule Number 25 involved: (a) an aggravated failure to completely or accurately report an aggravated use of excessive force; or (b) the commission of a use of

force administrative or procedural violation when there was an aggravated use of excessive force.

The disciplinary action imposed shall be based on the guidelines for the next most severe range of disciplinary actions within that level. For example, if a violation of Rule Number 24 or 25 is the employee's first offense and it is determined that the violation involved an aggravated use of excessive force, the disciplinary action shall be based on the range for a second offense. The disciplinary action imposed shall include, at a minimum, probation and one or more of the following: suspension, reduction in pay, or demotion.

The reprimanding authority shall make a separate determination of the application of "aggravated" for each individual employee's conduct, as a participant or witness, as it relates to a Rule Number 24 or 25 violation.

26. Refusal to Submit to a Polygraph Examination: Voided effective September 1, 1997. Rule was a violation level 1.

27. Failure to Turn in all Evidence Seized - Violation Level 3:

An employee shall preserve and submit all evidence in its original form through an established chain of custody. All confiscated property, contraband, or other such items shall be properly accounted for and secured in accordance with the appropriate division's policy.

28. Improper or Untidy Uniforms - Violation Level 4:

A uniformed employee is required to adhere to standards established by TDCJ policy regarding dress and personal appearance while in uniform. Employees shall not wear a uniform during non-working hours, except for convenience stops while traveling to and from work. An employee shall not under any circumstances wear the uniform on the employee's day off or wear only a part of the uniform, such as uniform shirt with jeans or uniform pants with casual shirt. Specific prior authorization may be granted to wear the uniform for official agency representation.

29. Damage, Destruction, Misappropriation, or Unauthorized Use of Equipment or Property Owned or Leased by the TDCJ - Violation Level 2:

An employee shall not damage, destroy, or: (1) take or use any TDCJ resources, including the use of offender labor, to further the employee's private interest; (2) take or use any item of state property for the purpose of converting it to the employee's personal use; (3) possess any TDCJ lost or stolen property; or (4) use state equipment for any purpose other than official work purposes, except as provided in ED-02.01, "Texas Department of Criminal Justice Ethics Policy."

30. Refusal to Cooperate with an Official Inquiry or Investigation - Violation Level 2:

An employee shall cooperate fully in any investigation involving TDCJ interests conducted by an authorized official of the TDCJ or state or federal government.

Effective August 1, 2006, Rule Number 30 is no longer divided into Rule Numbers 30a and 30b, which differentiated between inquiries or investigations into a court ordered reform issue and inquiries or investigations into other work-related matters.

31. Conviction of a Felony - Violation Level 1:

An employee will be disciplined by TDCJ officials upon conviction of a felony offense.

An employee shall report an arrest, charge by information or complaint, or indictment for a felony offense within 48 hours of the initial event and before reporting to duty. If an employee is convicted of a felony offense, the employee shall report the conviction to the employee's immediate supervisor no later than 48 hours from the conviction and before reporting to duty. Failure to report such information is a separate Rule Number 20 violation.

32. Destroying Evidence or Giving False Testimony or Information - Violation Level 2:

An employee shall not destroy confiscated property, contraband, or other such items. In administrative processes, an employee shall submit truthful, accurate, and complete information and documentation of events that the employee has knowledge of or has witnessed. Providing a false statement to be granted time off and filing an EEO related complaint that an employee knows is unjustified are violations of this rule.

33. Release of Confidential Information - Violation Level 2:

An employee shall not release any confidential information, including confidential information relating to employees or offenders, except as permitted by TDCJ policy or state or federal law. This rule applies to disclosure to persons outside the TDCJ as well as persons within the TDCJ who do not have a right to have such information.

34. Accepting Goods, Money, Services, or Favors - See 34a and 34b:

An employee shall not: (1) grant special favors to or ask for or accept gratuities, whether in property or service, from an offender's family member or other agent of the offender; (2) commit bribery; that is, soliciting, accepting, or agreeing to accept any benefit in exchange for any exercise of official discretion; (3) accept an honorarium from anyone; or (4) accept any reward, or any promise of reward, from a person or company interested in any contract, purchase, or sale involving the TDCJ. See ED-02.01, "Texas Department of Criminal Justice Ethics Policy."

34a. Committing Bribery - Violation Level 1:

Soliciting, accepting, or agreeing to accept any benefit in exchange for any exercise of official discretion.

34b. Accepting Goods, Money, Services, Favors, or Honoraria - Violation Level 2

35. Aiding and Abetting an Escape - Violation Level 1:

An employee shall not aid or abet an escape or an escape attempt. An employee is under a duty to report any information regarding evidence of plans to escape, escape attempts, or actual escapes.

36. Insubordination - Violation Level 3:

An employee shall not show contempt or disrespect for authority through verbal or written communication or behavior.

When charging an employee with this violation, the employee's specific action of insubordination shall be clearly identified.

37. Misconduct - Violation Level 4:

An employee shall not engage in any activity that would have an adverse impact upon the integrity or productivity of the employee or the TDCJ. This includes establishing a non-productive work pattern, exhibiting disruptive behavior in the workplace, excessive visiting, engaging in loud boisterous behavior, alerting other staff members when supervisor rounds are being conducted, unless otherwise instructed, and engaging in any similar behavior.

An employee may be charged with this violation only when the employee's misconduct is not chargeable under any other violation. The specific misconduct shall be clearly identified.

38. Trafficking and Trading: Voided effective August 1, 2006. Rule was a violation level 2 and was incorporated in Rule Number 18.

39. Conviction of a Misdemeanor:

An employee may be disciplined by TDCJ officials upon conviction of a misdemeanor offense.

An employee shall report an arrest, charge by information or complaint, indictment, or conviction of a misdemeanor offense, in accordance with PD-27, "Employment Status Pending Resolution of Criminal Charges or Protective Orders." Failure to report such information is a separate Rule Number 20 violation.

A minor traffic violation is not a misdemeanor or felony criminal charge for the purpose of PD-27, "Employment Status Pending Resolution of Criminal Charges or Protective Orders." An employee is not required to report a minor traffic violation to the employee's immediate supervisor or to any other TDCJ supervisor or manager, except as required for commercial drivers as outlined in PD-27. Driving while intoxicated (DWI), driving under the influence (DUI), driving while license is suspended (DWLS), failure to appear (FTA), reckless driving, open container, and assault with a motor vehicle are **not** minor traffic violations. For examples of minor traffic violations, see PD-27 attachment, "Examples of Minor Traffic Violations."

A misdemeanor conviction for a drug related offense is a violation of Rule Number 40. If an employee is not dismissed through the disciplinary process for conviction of a misdemeanor offense but is unable to perform the essential functions of the employee's position as a result of the conviction, the employee will be administratively separated from employment in accordance with PD-24, "Administrative Separation."

39a. Conviction of a Misdemeanor for an Offense Involving Domestic Violence by an Employee who is Required or Authorized to Carry a Firearm: Voided effective September 1, 2014. Rule was a violation level 1 and was incorporated into PD-24, "Administrative Separation."

39b. Conviction of any Other Misdemeanor - Violation Level 3 - Except for drug related offenses - see Rule Number 40

40. Possession, Use, Sale, or Delivery of Illicit Drugs or Drug Paraphernalia - Violation Level 1:

An employee shall not possess, use, sell, or deliver illicit drugs or drug paraphernalia while on-duty or off-duty. Possession, use, sale, or delivery of the same during off-duty hours, in a private residence, or while in a state or country where it is legal is not a defense to finding a violation.

41. Denial of Uniform Access to Courts - Violation Level 2:

An employee shall not interfere in any manner with an offender's right of access to courts or to public officials. This includes, but is not limited to, unauthorized denial of legal visits or access to legal materials, harassing or retaliating against an offender for exercising the offender's right to file a grievance or complaint, or not allowing an offender to correspond with the courts or public officials.

42. Employee-Offender Relationships - See 42a, 42b, 42c, and 42d:

An employee shall provide written notification of any relationship the employee has with an offender by submitting a PERS 282A, Additional Offender Information (Attachment M). The warden or department head shall indicate "approved, denied, or partially approved." The original PERS 282A shall be forwarded to Employee Services for imaging into the employee's Master Human Resources file. A copy of the PERS 282A shall be maintained in the employee's unit or department human resources file.

An immediate family member, as defined for the purpose of Rule Number 42b, includes a spouse, child, parent, brother, or sister. Relationships with an employee of the TDCJ who is also an offender's family member are excluded from this rule. The intent of this rule is not to prohibit relationships between employees and offender family members, but to encourage disclosure.

42a. Cohabitation with Offender - Violation Level 1:

An employee shall not knowingly cohabit with an offender or an offender's family member unless the relationship has been approved or is one of the following exceptions.

Exceptions: This rule does not prohibit an employee from cohabiting with: (1) a spouse from a current marriage that existed prior to employment with the TDCJ; (2) a spouse from a current marriage who became an offender or whose family member became an offender after the employee's employment with the TDCJ; (3) one of the following by blood or current marriage: a child, daughter-in-law, son-in-law, grandchild, great grandchild, sister, brother, sister-in-law, brother-in-law, niece, nephew, mother, father, grandmother, grandfather, aunt, uncle, first degree cousin; or (4) a child or parent by adoption.

42b. Failure to Provide Notification of Offender Relationship - Violation Level 2:

An employee shall provide written notification to the duty warden and department head immediately upon becoming aware of any one of the following:

- The employee has a present relationship or had a past relationship with a current offender that involved direct interaction with the offender. Examples of direct interaction include, but are not limited to, dating, former in-law, personal correspondence, and visits to residence;
- The employee has an immediate family member who is currently an offender;
- The employee had a past acquaintance with a current offender that involved regularly planned or scheduled indirect interaction with the offender, such as a high school classmate;
- The employee has a present or had a past relationship with a current offender's immediate family member involving direct interaction;
- The employee's immediate family member has a present or had a past relationship with a current offender involving direct interaction;

- Any activity prohibited by Rule Number 42 (a, b, c, or d) between another employee and an offender; or
- Any change in a previously reported offender relationship and the nature of the change, such as an employee previously reported that an offender was an immediate family member's old boyfriend and then the immediate family member begins dating the offender again or an employee previously reported an ex-spouse is incarcerated and upon the offender's release to parole, the court grants the offender visitation rights with the employee's child.

42c. Continuation or Establishment of Offender Relationship that Jeopardizes Security or Compromises the Employee, Other than Cohabitation or Sexual Misconduct - Violation Level 2:

An employee shall not continue or establish an unreported or unapproved relationship with an offender, or an offender's family member, if the relationship jeopardizes or has the potential to jeopardize the security of the TDCJ or compromises the effectiveness of the employee.

An unreported or unapproved relationship that would have the potential to jeopardize the security of the TDCJ or compromise the effectiveness of the employee includes, but is not limited to, a relationship that is not excluded under Rule Number 42a and involves any one of the following: (a) correspondence with an offender; (b) offender visitation; (c) visits to an offender's residence not involving official TDCJ business; (d) visits to the residence of an offender's family member not involving official TDCJ business; (e) putting money into an offender's Inmate Trust Fund (ITF) account; or (f) the introduction of contraband and granting special privileges as a result of a personal relationship with the offender, an offender's family member, or a current or previous associate of the offender.

Contact with an offender or an offender's family, including through social media, in and of itself does not constitute a relationship. If it is determined that an employee, through such contact, has potentially jeopardized the security of the TDCJ or compromised the effectiveness of the employee, the employee will be subject to disciplinary action.

42d. Sexual Misconduct with Offender - Violation Level 1:

An employee shall not commit acts of sexual misconduct with: (1) any incarcerated offender; or (2) any offender under the supervision of the TDCJ who is not the employee's spouse.

Acts of sexual abuse and harassment are described in PD-29, "Sexual Misconduct with Offenders."

43. On-Duty or Off-Duty Conduct - Violation Level 1:

Any action on the part of an employee that jeopardizes the integrity or security of TDCJ institutions, calls into question the employee's ability to perform effectively and efficiently in the employee's position, or casts doubt upon the integrity of the employee is prohibited.

An employee may be charged with a violation of this rule only when the employee's conduct is not chargeable under any other rule. The employee's specific conduct shall be clearly identified.

44. Tampering with a Witness - Violation Level 1:

An employee shall not attempt to hinder or influence in any manner the testimony or information of any witness or potential witness in an investigation or administrative proceeding.

45. Failure to Submit to Search - Violation Level 1:

An employee shall cooperate with TDCJ officials during the search of the employee's person or belongings while on state property. Upon entering state property or during routine inspections, an employee gives implied consent to the search of the employee's person or property.

46. Falsification of the State of Texas Application for Employment - Violation Level 1:

An employee shall provide complete and accurate information on the employee's State of Texas Application for Employment and supporting documents.

47. Refusal to Submit to Alcohol or Drug Tests - Violation Level 1:

An employee shall submit to alcohol or drug tests as outlined in existing policies, procedures, and federal regulations.

48. Failure to have a Negative Alcohol or Drug Test Result or Failure to Comply with Conditions of a Treatment Agreement - Violation Level 1:

An employee selected for random drug testing, or who is reasonably suspected of using alcohol or drugs in the workplace or performing official duties while under the influence of alcohol or drugs, will be required to submit to an alcohol and drug test and have a negative test result in accordance with PD-17, "Drug-Free Workplace" or PD-37, "Employee Commercial Drivers' Physical Examination and Alcohol/Drug Testing Programs."

An employee who signed a Treatment Agreement shall comply with all conditions of agreement. If the employee signed a Treatment Agreement as a result of independent dismissal mediation and fails to comply with the conditions of the agreement, the dismissal recommendation will be processed in accordance with this directive. See PD-17, "Drug-Free Workplace."

49. Misuse of Official Authority or Information - Violation Level 1:

An employee shall not: (1) use official authority or influence to affect political campaigns or other political activities; (2) prevent or restrict, or attempt to prevent or restrict, political donations of any kind to a person or political organization and is prohibited from coercing, or attempting to coerce, in any manner, a political contribution to a person or political organization; (3) intentionally disclose or use non-public information acquired by virtue of TDCJ employment to achieve a financial gain or other benefit, aid another person to do the same, or to defraud another person; or (4) cause an employee to be discharged, demoted, or otherwise discriminated against for providing public information to the legislature or in response to a request from the legislature.

50. Discourteous Conduct of a Sexual Nature - Violation Level 2:

An employee shall not engage in discourteous conduct of a sexual nature. See definition for "Discourteous Conduct of a Sexual Nature." Specific examples of discourteous conduct of a sexual nature that may rise to the level of sexual harassment are identified in PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature."

This rule violation shall be supported by the findings of an EEO prehearing investigation conducted in accordance with PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature."

51. Failure to Report Use of Certain Prescription Drugs - Violation Level 3:

An employee shall notify the employee's supervisor prior to reporting to work that the employee is taking a prescription medication that the employee believes has side effects that may interfere with the performance of the employee's assigned duties. The notification shall include the name of the prescribed drug, the name of the prescribing physician, the possible side effects, and the approximate length of time the employee anticipates taking the drug. See PD-17, "Drug-Free Workplace."

52. Failure to Provide Contact Information - Violation Level 4:

An employee shall have current and valid contact information on file with the employee's human resources representative, including: (a) a phone number assigned the employee or a contact person through which the employee can be reached; (b) the employee's physical address; and (c) the employee's mailing address.

53. Failure to Report Alleged Acts of Discrimination or Harassment Against Persons of a Protected Class, Discourteous Conduct of a Sexual Nature, or Retaliation - See 53a and 53b:

TDCJ managers and supervisors shall report to Employee Relations Intake, Human Resources Division, all allegations of the following conduct reported to or any of the following conduct witnessed by the manager or supervisor, even when another employee or other individual does not report or complain about the act:

- Discrimination or harassment based on race, color, age (40 or above), sex (gender), including sexual harassment, national origin, religion, disability, and genetic information;
- Discourteous conduct of a sexual nature; and
- Retaliation against an individual who: (1) has rejected sexual harassment or discourteous conduct of a sexual nature; (2) has filed a complaint alleging sexual harassment, discourteous conduct of a sexual nature, or other discrimination prohibited by this rule; (3) has cooperated in a TDCJ or external investigation, hearing, or court proceeding regarding an allegation of sexual harassment, discourteous conduct of a sexual nature, or other discrimination prohibited by this rule; or (4) is associated with an individual who is involved in such activity.

Managers and supervisors shall report such acts in accordance with the procedures for reporting any allegations of such conduct in PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature" or PD-31, "Discrimination in the Workplace." This rule violation shall be supported by an EEO prehearing investigation conducted in accordance with PD-13 or PD-31.

53a. Failure to Report an Alleged Act of Discrimination or Harassment Against Persons of a Protected Class, Discourteous Conduct of a Sexual Nature, or Retaliation; Took Corrective or Preventive Action - Violation Level 4

53b. Failure to Report an Alleged Act of Discrimination or Harassment Against Persons of a Protected Class, Discourteous Conduct of a Sexual Nature, or Retaliation; Did Not Take Corrective or Preventive Action - Violation Level 3