

**TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE**



**Excerpt from PD-22,  
General Rules of Conduct  
And  
Disciplinary Action Guidelines  
for Employees**

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Prepared by  
Human Resources Administrative Support

## **INTRODUCTION:**

This handbook is an excerpt from PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees”. All references to “this directive” refer to PD-22.

If you would like to review PD-22 in its entirety, you may contact your Human Resources Representative. PD-22 is also available through the Agency’s web site ([www.tdcj.state.tx.us](http://www.tdcj.state.tx.us)) and INFOPAC, the Agency’s online report distribution system.

## **POLICY:**

Employees are representatives of the Texas Department of Criminal Justice and are expected to adhere to the highest standards of conduct while on-duty or off-duty, including adherence to the rules of conduct described in the “Listing of Employee General Rules of Conduct and Disciplinary Violations” (Attachment A). Employees who allegedly commit a rule violation shall be subject to disciplinary action in accordance with the procedures within this directive.

The TDCJ promotes equal employment opportunity through an employee disciplinary system designed to impose disciplinary actions without regard to race, color, religion, sex, national origin, age, disability or genetic information. The TDCJ has a zero tolerance for all forms of employment discrimination in the disciplinary process, and harassment or retaliation is prohibited. No employee or other individual shall be subjected to harassment or retaliation for acting as a representative or witness or for reporting employment discrimination in the disciplinary process.

## **EMPLOYMENT AT WILL CLAUSE:**

**These guidelines do not constitute an employment contract or a guarantee of continued employment. The Agency reserves the right to change the provisions of these guidelines at any time.**

**Nothing in these guidelines and procedures limits the Executive Director's authority to establish or revise human resource policy. These guidelines and procedures are adopted to guide the internal operations of the Agency and do not create any legally enforceable interest or limit the Executive Director's, Deputy Executive Director's, or Division Directors' authority to terminate any employee at will.**

## **DISCUSSION:**

### I. Employee's Responsibility to Know Rules and Regulations

It is an employee's responsibility to know the rules set forth in this directive and to seek clarification, if necessary. Not being aware of the existence of any of the rules is not a defense for violations.

No single document can anticipate or address every situation. Therefore, an employee should also be knowledgeable of other current TDCJ directives and standard operating procedures. In the event no written or verbal instructions have been issued regarding a particular subject pertaining to an employee's responsibilities or duties, the employee is expected to use sound judgment in arriving at a prudent course of action.

### II. Corrective Actions Other than Disciplinary Actions (Content of Section II is not included in this excerpt.)

### III. Grievance of Disciplinary Action

Disciplinary action may be grieved pursuant to PD-30, "Employee Grievance Procedures." Dismissal recommendations or alleged procedural violations in connection with a dismissal recommendation may only be grieved after a final decision has been rendered by the Executive Director, Deputy Executive Director, appropriate Division Director, or an EEO Reprimanding Authority.

### IV. Actions by Other Agencies or Entities (Content of Section IV is not included in this excerpt.)

## **LISTING OF EMPLOYEE GENERAL RULES OF CONDUCT AND DISCIPLINARY VIOLATIONS**

These general rules are established to specify the conduct required of employees regarding relationships with other employees, offenders, supervisors and the general public.

## **DEFINITIONS:**

NOTE: The following definitions apply solely to the rule violations.

"Conviction," for Agency purposes, is defined as a judgment or a verdict, a plea of guilty or nolo contendere, and/or a judicial finding of guilt substantiated by the evidence which results in the payment of fines, forfeiture of collateral or bond, restitution, deferred adjudication, community supervision (probation), confinement, suspended sentence or any other penalty imposed by a court of law or agreed upon by the accused. This includes instances where a pardon or a reprieve has been granted for any reason other than proof of innocence. A pre-trial diversion is not a conviction. (A pre-trial diversion is an agreement between the defendant and the prosecutor and occurs prior to a judicial finding, although the judge may approve the agreement. This is different from deferred adjudication which takes place after a judicial finding.)

“Discourteous Conduct of a Sexual Nature” is conduct (words or actions) of a sexual nature toward another Agency 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 sex (gender), including sexual harassment, race, color, religion, national origin, age (40 or above), disability or genetic information. Discrimination by employers falls into four (4) general areas: (1) hiring and firing (i.e., failing or refusing to hire or discharging); (2) employment conditions (i.e., compensation, terms, conditions or privileges); (3) segregation and classification (i.e., 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 programs.

“Harassment,” for the purpose of Rule Nos. 21 (other than sexual harassment), 22a and 53, is the act of systematic and/or continued unwanted and annoying actions, including threats and demands, that create a hostile work environment. A hostile work environment is one in which offending behavior is sufficiently severe or pervasive as to alter the victim’s employment conditions and create an abusive working environment. All the circumstances must be judged, including the frequency of the conduct, its 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, shall not amount to discriminatory changes in the terms and conditions of employment.

“Hazing” is any conduct by an employee which subjects another person to anything that may physically, mentally, emotionally or psychologically endanger, abuse, degrade or intimidate the person for any reason.

“Horseplay” is rough or boisterous conduct by an employee for the purpose of amusement (e.g., running, wrestling, offensive practical jokes).

“Marriage” includes “ceremonial marriage” and “common-law marriage,” which are the two (2) types of marriage recognized by the State of Texas and are defined as follows:

“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.

“Common-Law Marriage” is a marriage that is not necessarily documented through a county clerk but is valid when a man and woman perform all of the following: (1) agree to be married; (2) after the agreement, live together in the State of Texas as husband and wife; and (3) represent to others that they are married.

“Offender” is an individual under the supervision, custody or incarceration 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.

“Offense Involving Domestic Violence” is an offense which has as an element the use or attempted use of physical force, physical harm, bodily injury, sexual assault or the threatened use of a deadly weapon, committed by an employee if the employee: (a) is the current or former spouse, parent or guardian of the victim; (b) shares a child in common with the victim; (c) is cohabiting with or has cohabited with the victim as a spouse, parent or guardian; or (d) is similarly situated to a spouse, parent or guardian of the victim.

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

“Property” is anything owned or leased by the state (e.g., equipment, land, motor vehicles or structures).

“Retaliation,” for the purpose of Rule Nos. 21 and 53, is an adverse employment action by any employee against an employee or other individual (see definition for “Other Individual”) because the person subject to the adverse employment action: (a) made a complaint alleging discrimination because of race, color, sex (gender), religion, national origin, age (40 or above), disability or genetic information; (b) made a complaint alleging sexual harassment or discourteous conduct of a sexual nature; or (c) testified, assisted or participated in an Agency or external investigation, hearing or court proceeding concerning an allegation described within (a) and (b) of this definition.

“Serious Injury” is bodily damage that is more than minor (e.g., requiring one-time treatment and/or observation).

“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” is an employee’s husband or wife through either a ceremonial marriage or a common-law marriage.

“Use of Force” is a controlling measure taken during a confrontational situation in an effort to cause an offender to do anything involuntarily.

“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 in response to an action by an offender(s) if the offender’s action did not involve physical assault, attempts at physical harm, an escape attempt, mutiny, rebellion, serious damage to property or force used in response to an offender’s verbal abuse only.

“Provoked Use of Force” is force used in response to an action by an offender(s) (e.g., 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 in and of itself shall 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 [1] hour) - Violation Level 4:**

Tardiness is less than one (1) hour of regularly scheduled work missed without authorization. An employee is required to 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.

NOTE: Generally, instances of tardiness shall 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 shall be initiated for the offense of tardiness only when one (1) of the following occurs: (1) when an employee incurs a third instance of tardiness within a rolling six-month period; or (2) an employee who has been charged and disciplined for tardiness has a subsequent violation of tardiness within one (1) year from the date that the prior violation of tardiness resulted in the imposition of disciplinary action. At the Reprimanding Authority's discretion, bona fide reasons for excused tardiness (e.g., unexpected road closings that result in a re-routing of traffic, adverse weather) may be an exception to the guidelines for formal disciplinary action. Such situations shall be determined on a case-by-case basis.

If an employee misses less than eight (8) 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 [1] hour or more) - Violation Level 3:**

Unexcused absenteeism is one (1) hour or more of regularly scheduled work missed without authorization. An employee is required to report to work at the time scheduled unless prior arrangements are made with the appropriate supervisor.

An employee shall comply with the unit/department written notification ("call-in") procedures established and provided to the employee by the Warden/Department Head. As general rules: (a) an employee who is unable to 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/department staff with at least two (2) hours notice prior to the beginning of the shift.

### **3. Sleeping on Duty - Violation Level 2:**

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

### **4. Leaving a Security/Duty Post - Violation Level 2:**

An employee is prohibited from leaving the assigned work area without proper authorization. A correctional employee shall not leave the assigned security post until properly relieved. An employee shall return to the assigned work area/security post as instructed when authorized to leave.

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

NOTE: For mistreatment of offenders, see Rule No. 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 (includes committing hazing or horseplay when the life of another individual is endangered); committing or threatening to commit property damage while at the workplace of a nature that endangers the lives of others.

**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 (includes committing hazing or horseplay when the safety of another individual is endangered); an action that results in the security of the Agency being jeopardized.

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

Employees are prohibited from participating in hazing or horseplay.

**6. Horseplay:**

(Rule No. 6, which consisted of 6a, violation level 4 and 6b, violation level 3, was voided effective August 1, 2006 and incorporated in Rule No. 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, written or verbal instructions issued relating to job standards or expectations, Agency policy and procedures, and ethical and professional standards. Any act by an employee resulting in the failure to meet the minimum standards of on-the-job productivity or quality is prohibited.

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

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

An employee is required to observe and enforce current Agency policies and state and federal laws relating to safety in the workplace.

NOTE: 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 No. 46):**

An employee is required to maintain and submit truthful, accurate and complete records as required by the Agency. 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 is prohibited from taking or using any item of personal property not belonging to the employee, unless the rightful owner gave the employee permission to take or use the item.

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

An employee is prohibited from engaging in any solicitation or fund-raising activity on state property, except as provided in ED-02.04, "TDCJ Fund-Raising."

**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 verbal or written order issued directly to an employee by or through the employee's chain of supervision (not by or through a co-worker) in connection with a work-related issue that is in the best interest of the Agency. Proper orders include instructions posted on employee bulletin boards.

NOTE: 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 No. 20.

**14. Use of Profane/Abusive Language/Gestures or Slurs/Hostile Epithets - See 14a and 14b:**

The use of profanity or abusive language/gestures or any use of slurs and hostile epithets (e.g., name-calling) is prohibited. Slurs and hostile epithets are verbal or written comments that humiliate or show hostility or animosity toward an individual or an individual's relative, friend or associate, because of an individual's race, color, religion, sex (gender), national origin, age (40 or above), disability or genetic information. A gesture, an isolated remark or a comment not directed to anyone in particular may be considered profane/abusive language/or gestures, slur or hostile epithet. An employee shall not respond in like terms to what the employee considers imprudent or insulting language or to any slur or hostile epithet.

NOTE: The specific comment(s)/gestures shall be clearly identified when charging an employee with this violation.

**14a. Use of Profane/Abusive Language/Gestures - Violation Level 3**

**14b. Use of Slurs/Hostile Epithets - Violation Level 2:**

NOTE: A supervisor shall report an employee's use of slurs/hostile epithets to Employee Relations Intake, Human Resources Division, in accordance with PD-31, "Discrimination in the Workplace." If an employee is being charged with this violation based on another employee's complaint, the violation shall be supported by an EEO pre-hearing investigation conducted in accordance with PD-31, "Discrimination in the Workplace."

**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 toward fellow employees. An employee is prohibited from: (1) instigating a verbal or physical confrontation towards another employee in the workplace; or (2) participating in a verbal or physical altercation with another employee in the workplace, including inappropriately responding to another employee's instigation.

NOTE: The instigating employee shall be charged if the responding employee is charged. If all of the responding employee's actions are appropriate (e.g., a calm response in an attempt to prevent the continuation of the instigation), only the instigating employee shall 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. Negligent Operation of an Agency Vehicle - Violation Level 4:**

An employee not possessing a valid Texas drivers' license is prohibited from operating a state owned vehicle, and an employee not possessing a valid Texas commercial driver's license is prohibited from operating a state-owned commercial motor vehicle. An employee operating such vehicles is charged with and responsible for the safe operation and prompt, accurate reporting of any accident involving the vehicle.

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

**17. Reporting to Work under the Influence of Alcohol or Drugs:**

(Rule No. 17, which was a violation level 2, was voided effective April 1, 1998.)

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

Without a specific order or authorization to do so, an employee shall not remove from Agency premises or the premises of a facility operated under a contract with the Agency any item of contraband and shall not exercise possession or control of any item of contraband while on Agency premises.

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

NOTE: A violation of this rule that is evidence of an employee-offender relationship is a violation of Rule No. 42.

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

Having one (1) of these items within Bachelor Officer Quarters (BOQs), an automobile on Agency premises or an automobile on the premises of a facility operated under a contract with the Agency is a violation of this rule. Residences on state property are exempt, with the exception of contraband that would be illegal to possess by law.

**18b. Delivery of the Following to an Offender: (1) a Drug Other than an Authorized Controlled Substance for Medical Purposes; (2) Cell Phone; (3) Cigarette or Other Form of Tobacco; or (4) Money - Violation Level 1**

**18c. Possession of any Contraband Other than Those Items Listed in Rule No. 18a - Violation Level 2**

**18d. Trafficking and/or Trading of any Contraband Other than Those Items Listed in Rule No. 18a or 18b - Violation Level 2:**

Accepting or agreeing to accept such contraband from an offender, offering such contraband to an offender or agreeing to purchase contraband for an offender is prohibited.

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

Use of alcohol or illicit drugs, including the misuse of prescription drugs, while on duty is prohibited.

**20. Violation of Statutory Authority/Court Order/Rules/Regulations/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 Agency. Not being aware of the existence of any of the aforementioned is not a defense for violation of the same.

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

**21. Discrimination/Harassment against Persons of a Protected Class/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 is prohibited from retaliating against or harassing an employee or other individual who: (1) opposed discrimination, sexual harassment or other prohibited conduct; (2) has filed a complaint alleging such discrimination or harassment; or (3) has cooperated in an Agency or external investigation, hearing or court proceeding regarding such an allegation. Some examples of adverse employment actions that might be construed by the Agency to be retaliation are identified in PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature" and PD-31, "Discrimination in the Workplace."

NOTE: This rule violation shall be supported by an EEO pre-hearing investigation conducted in accordance with PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature" or PD-31, "Discrimination in the Workplace."

**22. Harassing or Retaliating against Another (not EEO-related) - See 22a and 22b:**

An employee is prohibited from harassing or retaliating 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 No. 21 or 22b.)

**22b. Harassing or Retaliating against an Offender or Another Individual for Participating in an Official Investigation/Inquiry or for Pursuing Legal Activities (i.e., petitioning the courts) - Violation Level 1**

- 23. Mistreatment of Offenders - Violation Level 2:**  
Mistreatment usually takes the form of physical abuse, but it may also include, but not be limited to, such actions as threats or unauthorized/illegal denial of privileges or entitlements.
- \*24. Use of Excessive/Unnecessary Force - See 24a, 24b, 24c and 24d:**  
Existing policies and procedures shall govern the use of force to control a situation or to gain compliance with legal orders. Only the minimum amount of force applied in compliance with existing policies and necessary to achieve the desired results shall be employed. The use of force to intimidate, coerce, punish or for the purpose of revenge is prohibited.
- NOTE: Violations of the TDCJ Use of Force Plan shall be charged as a Rule No. 24 or 25 violation. In addition, the Aggravated Use of Excessive Force Provision may be applicable (included herein after Rule No. 25).
- \*24a. Provoked without Serious Injuries - Violation Level 3**
- \*24b. Provoked with Serious Injuries - Violation Level 2**
- \*24c. Non-Provoked without Serious Injuries - Violation Level 2**
- 24d. 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/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 is required to provide a complete factual account of the employee's actions and/or observations of the incident as outlined in existing policies and procedures.
- NOTE: Violations of the TDCJ Use of Force Plan shall be charged as a Rule No. 24 or 25 violation. In addition, the Aggravated Use of Excessive Force Provision may be applicable (included herein after Rule No. 25).
- \*25a. Failure to Report: Relating to Use of Excessive/Unnecessary Force - Provoked without Serious Injuries - Violation Level 3**
- \*25b. Failure to Report: Relating to Use of Excessive/Unnecessary Force - Provoked with Serious Injuries - Violation Level 2**
- \*25c. Failure to Report: Relating to Use of Excessive/Unnecessary Force - Non-Provoked without Serious Injuries - Violation Level 2**
- 25d. Failure to Report: Relating to Use of Excessive/Unnecessary Force - Non-Provoked with Serious Injuries - Violation Level 1**
- \*25e. Failure to Report: Relating to Minor or Non-Excessive and Necessary Use of Force - Violation Level 3**

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

(e.g., failure to follow required security procedures [use of mechanical restraints when appropriate])

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

(e.g., failure to videotape a use of force, make offender notification)

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

(e.g., 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 Nos. 24 and 25):**

Aggravated is defined as conduct indicating a deliberate act, without just cause or provocation, on the part of 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 information substantiates that:

- A violation of Rule No. 24 involved an aggravated use of excessive force (force can be excessive if greater force is used than necessary, but not rise to the level of an aggravated use of excessive force); or
- A violation of Rule No. 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/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 No. 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 (1) 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 No. 24 or 25 violation.**

- 26. Refusal to Submit to a Polygraph Examination:**  
(Rule No. 26, which was a violation level 1, was voided effective September 1, 1997.)
- 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 Agency policy regarding dress and personal appearance while in uniform. The uniform is not authorized for wear 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 (e.g., uniform shirt with jeans, uniform pants with casual shirt) at any time.
- 29. Damage, Destruction, Misappropriation or Unauthorized Use of Equipment or Property Owned or Leased by TDCJ - Violation Level 2:**  
An employee is prohibited from: (a) taking or using any Agency resources, including the use of offender labor, to further the employee's private interest; (b) taking or using any item of state property for the purpose of converting it to the employee's personal use; or (3) using state equipment for any purpose other than official work purposes, except as provided in ED-02.01, "TDCJ Ethics Policy."
- 30. Refusal to Cooperate with an Official Inquiry/Investigation - Violation Level 2:**  
An employee is required to cooperate fully in any investigation conducted by an authorized official of the Agency or state or federal government in which the Agency's interests are involved.
- NOTE: Effective August 1, 2006, Rule No. 30 is no longer divided into Rule Nos. 30a and 30b, which differentiated between inquiries/investigations into a court-ordered reform issue and inquiries/investigations into other work-related matters.
- 31. Conviction of a Felony - Violation Level 1:**  
An employee may be disciplined by Agency officials upon conviction of a felony offense.
- NOTE: An employee is required to 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 is required to 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 No. 20 violation.
- 32. Destroying Evidence or Giving False Testimony/Information - Violation Level 2:**  
An employee is prohibited from destroying confiscated property, contraband or other such items. In administrative processes, an employee is required to 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 Information - Violation Level 2:**  
An employee is prohibited, except in accordance with Agency policy and state and federal law, from releasing any information relating to employees or offenders.

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

An employee is prohibited from: (1) granting special favors to or asking for or accepting gratuities (whether in property or service) from an offender or offender's family member; (2) committing bribery, that is, soliciting, accepting or agreeing to accept any benefit in exchange for any exercise of official discretion; (3) accepting an honorarium from anyone; or (4) accepting any reward, or any promise of the same, from a person or company interested in any contract, purchase or sale made by either the Agency or by its authority.

NOTE: See ED-02.01, "TDCJ 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 is prohibited from aiding or abetting 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 is prohibited from showing contempt or disrespect for authority through verbal or written communication or behavior.

NOTE: 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 is prohibited from engaging in any activity that would have an adverse impact upon the integrity or productivity of the employee or the Agency. This would include, but is not limited to, establishing a non-productive work pattern, exhibiting disruptive behavior in the workplace, excessive visiting and loud boisterous behavior.

NOTE: 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/or Trading:**

(Rule No. 38, which was a violation level 2, was voided effective August 1, 2006 and incorporated in Rule No. 18.)

**39. Conviction of a Misdemeanor - See 39a and 39b:**

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

NOTE: In accordance with PD-27, "Employee Duty Status Pending Resolution of Criminal Charges or a Protective Order," an employee shall report an arrest, charge by information or complaint or indictment for a misdemeanor offense within 48 hours of the initial event and before reporting to duty. If an employee is convicted of a misdemeanor offense, the employee shall report the conviction to the employee's immediate supervisor no later than 48 hours after the conviction and before reporting to duty. Failure to report such information is a separate Rule No. 20 violation.

A minor traffic violation is not a misdemeanor or felony criminal charge for the purpose of PD-27, "Employee Duty Status Pending Resolution of Criminal Charges or a Protective Order." 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. 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 A, "Listing of Minor Traffic Violation Examples."

A misdemeanor conviction for a drug-related offense is a Rule No. 40 violation.

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 shall 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 - Violation Level 1**

**39b. Conviction of any Other Misdemeanor - Violation Level 3 (except for drug-related offenses - see Rule No. 40)**

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

An employee is prohibited from possessing, using, selling or delivering illicit drugs or drug paraphernalia while on-duty or off-duty. Possession, use, sale or delivery of the same during off-duty hours or in a private residence is not a defense for this violation.

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

An employee is prohibited from interfering 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:**

**42a. Cohabitation with Offender - Violation Level 1:**

An employee is prohibited from cohabiting (i.e., living together; sharing housing arrangements) with an offender or an offender's family member unless the relationship is one (1) 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 after the employee's employment with the TDCJ; (3) one (1) 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 is required to provide written notification to the Duty Warden or Department Head immediately upon becoming aware of any one (1) 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;
- The employee had a past acquaintance with a current offender that involved regularly planned or scheduled indirect interaction with the offender (e.g., high school classmate);
- The employee has a present or had a past relationship with a current offender's immediate family member (see following definition) involving direct interaction;
- The employee's immediate family member (see following definition) has a present or had a past relationship with a current offender involving direct interaction;
- Any activity prohibited by Rule No. 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 (e.g., 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; 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).

NOTE: An employee shall provide written notification even if the relationship is an exception to Rule No. 42a. The written notification (e.g., IOC) shall include the offender's name, TDCJ number, type of relationship, length of relationship and type of interaction being requested by the employee. The Warden/Department Head shall indicate "approved/denied/partially approved" and maintain the notification in the employee's unit/department human resources file.

Examples of direct interaction include, but are not limited to, dating, former in-law, personal correspondence and visits to home residence.

An immediate family member, as defined for the purpose of Rule No. 42b, includes a spouse, child, parent, brother or sister.

**42c. Continuation/Establishment of Offender Relationship that Jeopardizes Security or Compromises the Employee (other than cohabitation or sexual misconduct) - Violation Level 2:**

An employee is prohibited from continuing or establishing a relationship with an offender, or an offender's family member, if the relationship jeopardizes or has the potential to jeopardize the security of the Agency or compromises the effectiveness of the employee.

Evidence that a relationship would have the potential to jeopardize the security of the Agency or compromise the effectiveness of the employee would include, but not be limited to, a relationship that is not an exception to Rule No. 42a and involves any one (1) of the following: (a) correspondence with an offender; (b) offender visitation; (c) non-job-related visits to an offender's home residence; (d) non-job-related visits to the home residence of an offender's family member; (e) putting money into an offender's Inmate Trust Fund (ITF) Account; or (f) the introduction of contraband and/or 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.

NOTE: A relationship with an offender who would be an exception to Rule No. 42a in and of itself does not jeopardize the security of the Agency or compromise the effectiveness of the employee. However, if it is determined there is evidence that an employee, through such a relationship, has potentially jeopardized the security of the Agency or compromised the effectiveness of the employee (e.g., inappropriate correspondence); the employee shall be subject to disciplinary action.

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

An employee is prohibited from acts of sexual misconduct with: (1) any incarcerated offender; or (2) any released offender who is not the employee's spouse.

NOTE: Acts of sexual misconduct 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 the Agency's 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.

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

**44. Tampering with a Witness - Violation Level 1:**

An employee is prohibited from attempting to hinder or influence in any manner the testimony or information to be given by any witness or potential witness in an investigation or administrative proceeding.

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

An employee is expected to cooperate with Agency 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 is required to 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 is required to submit to alcohol or drug tests as outlined in existing policies, procedures and federal regulations.

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

An employee who is reasonably suspected of using alcohol and/or drugs in the workplace or while performing official duties while under the influence of alcohol and/or drugs shall be required to submit to a reasonable suspicion alcohol and/or drug test and is required to 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 is required to comply with all the conditions of the agreement. If the employee signed a Treatment Agreement as a result of an independent dismissal mediation and fails to comply with the conditions of the agreement, the dismissal recommendation shall be forwarded for processing in accordance with this directive. (See PD-17, "Drug-Free Workplace.")

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

An employee is prohibited from: (1) using official authority or influence to affect political campaigns or other political activities; (2) preventing or restricting, or attempting 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 disclosing or using 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) causing 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 is prohibited from 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 are prohibited and may rise to the level of sexual harassment are identified in PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature."

NOTE: This rule violation shall be supported by the findings of an EEO pre-hearing 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:**

If an employee is taking a drug prescribed by the employee's attending physician and the employee believes the prescription drug's side effects may interfere with the performance of the employee's assigned duties (e.g., drowsiness, hallucinatory effects), the employee shall report the name of the prescribed drug, the name of the prescribing attending physician, the possible side effects and the approximate length of time the employee anticipates taking the drug to the employee's supervisor in writing prior to the employee commencing work while taking such medication. (See PD-17, "Drug-Free Workplace.")

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

An employee is required to have current and valid contact information on file with the employee's Human Resources Representative to include the following: (a) the telephone number for the employee's current residence; (b) if the employee's residence does not have telephone service, the employee's cell phone number or a contact person's telephone number; (c) the employee's physical address; and (d) the employee's mailing address.

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

TDCJ managers and supervisors are required to 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 does not report or complain about the act):

- Discrimination/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; or (3) has cooperated in an Agency 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.

NOTE: 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 pre-hearing investigation conducted in accordance with PD-13, "Sexual Harassment and Discourteous Conduct of a Sexual Nature" or PD-31, "Discrimination in the Workplace."

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

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

**Texas Department of Criminal Justice  
Guidelines for Disciplinary Actions  
Level One Violations**

NO.	DESCRIPTION
5a.	Reckless Endangerment: Life Endangerment
9.	Gambling on State Property
18a.	Possession, Delivery or Removal of the Following: (1) Alcoholic Beverage; (2) Controlled Substance; or (3) Deadly Weapon without Authorization
18b.	Delivery of the Following to an Offender: (1) a Drug Other than an Authorized Controlled Substance for Medical Purposes; (2) Cell Phone; (3) Cigarette or Other Form of Tobacco; or (4) Money
19.	Use of Alcohol or Illicit Drugs on the Job
21.	Discrimination/Harassment against Persons of a Protected Class/Retaliation
22b.	Harassing or Retaliating against an Offender or Another Individual for Participating in an Official Investigation/Inquiry or for Pursuing Legal Activities (i.e., petitioning the courts)
24d.	Use of Excessive/Unnecessary Force - Non-Provoked with Serious Injuries
25d.	Failure to Report: Relating to Use of Excessive/Unnecessary Force - Non-Provoked with Serious Injuries
31.	Conviction of a Felony
34a.	Committing Bribery
35.	Aiding and Abetting an Escape
39a.	Conviction of a Misdemeanor for an Offense Involving Domestic Violence by an Employee who is Required or Authorized to Carry a Firearm (see Listing of Employee General Rules of Conduct and Disciplinary Violations [Attachment A] for "Conviction" definition)
40.	Possession, Use, Sale or Delivery of Illicit Drugs/Drug Paraphernalia
42a.	Cohabitation with Offender
42d.	Sexual Misconduct with Offender
43.	On-Duty or Off-Duty Conduct
44.	Tampering with a Witness
45.	Failure to Submit to Search
46.	Falsification of the State of Texas Application for Employment
47.	Refusal to Submit to Alcohol or Drug Tests
48.	Failure to have a Negative Alcohol/Drug Test Result or Failure to Comply with Conditions of Substance Abuse Treatment Agreement
49.	Misuse of Official Authority or Information

<b>DISCIPLINARY ACTION</b>				
	<b>FIRST</b>	<b>SECOND</b>	<b>THIRD</b>	<b>FOURTH</b>
Dismissal	Only			
<p>NOTE: Dismissal shall be recommended for a level 1 violation. Only the Executive Director, Deputy Executive Director or the appropriate Division Director is authorized to impose a less severe disciplinary action. A Reprimanding Authority may submit a recommendation for retention of an employee who has committed a level 1 violation. The recommendation shall be attached to the PERS 186, Dismissal Recommendation/Action form for consideration by the Executive Director, Deputy Executive Director or the appropriate Division Director.</p>				

**Texas Department of Criminal Justice  
Guidelines for Disciplinary Actions  
Level Two Violations**

NO.	DESCRIPTION
3.	Sleeping on Duty
4.	Leaving a Security/Duty Post
5b.	Reckless Endangerment: Endangerment Less than Life Endangerment
10.	Falsification of Records (Does not include falsification relating to the State of Texas Application for Employment - See Rule No. 46)
11.	Unauthorized Taking or Use of Personal Property
13.	Failure to Obey a Proper Order from an Authority
14b.	Use of Slurs/Hostile Epithets
15b.	Instigating or Participating in a Physical Confrontation or Altercation
18c.	Possession of any Contraband Other than Those Items Listed in Rule No. 18a
18d.	Trafficking and/or Trading of any Contraband Other than Those Items Listed in Rule No. 18a or 18b
20.	Violation of Statutory Authority/Court Order/Rules/Regulations/Policies
22a.	Harassing or Retaliating against Another Individual
23.	Mistreatment of Offenders
24b.*	Use of Excessive/Unnecessary Force - Provoked with Serious Injuries
24c.*	Use of Excessive/Unnecessary Force - Non-Provoked without Serious Injuries
25b.*	Failure to Report: Relating to a Use of Excessive/Unnecessary Force - Provoked with Serious Injuries
25c.*	Failure to Report: Relating to a Use of Excessive/Unnecessary Force - Non-Provoked without Serious Injuries
25f.*	Administrative/Procedural Violation of a Security Nature Relating to Use of Force
<p>*Aggravated Use of Excessive Force Provision (applies to violations of Rule Nos. 24b, 24c, 25b, 25c and 25f): See the Aggravated Use of Excessive Force Provision on the Listing of Employee General Rules Of Conduct And Disciplinary Violations (Attachment A) to determine whether the violation of Rule No. 24b, 24c, 25b, 25c or 25f involved an aggravated use of excessive force. If so, the disciplinary action imposed shall be based on the guidelines for the next severer range within that level. For example, if a violation of Rule No. 24 or 25 is the employee's first offense and it is determined 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 (1) or more of the following: suspension, reduction in pay or demotion.</p>	
29.	Damage, Destruction, Misappropriation or Unauthorized Use of Agency Equipment or Property
30.	Refusal to Cooperate with an Official Inquiry/Investigation
32.	Destroying Evidence or Giving False Testimony/Information
33.	Release of Information
34b.	Accepting Goods, Money, Services, Favors or Honoraria
41.	Denial of Uniform Access to Courts
42b.	Failure to Provide Notification of Offender Relationship
42c.	Continuation/Establishment of Offender Relationship that Jeopardizes Security or Compromises the Employee (other than cohabitation or sexual misconduct)
50.	Discourteous Conduct of a Sexual Nature

<b>RANGE OF DISCIPLINARY ACTION</b>				
	<b>FIRST</b>	<b>SECOND</b>	<b>THIRD</b>	<b>FOURTH</b>
Probation	6 - 9 months	10 - 12 months		
Withdrawal of Favorable Payroll Action	Yes	Yes		
Suspension without Pay	1 - 20 workdays	1 - 30 workdays		
Reduction in Pay <sup>(1)</sup>	1 - 2 increments or at least 3.4% or 6.8%	2 - 3 increments or at least 6.8% or 10.2%		
Involuntary Demotion <sup>(1)</sup> (must be to a budget authorized position)	1 - 2 salary groups	1 - 3 salary groups		
Dismissal	Yes <sup>(2)</sup>	Yes	Only	
<sup>(1)</sup> Reductions in pay and involuntary demotions shall be in accordance with PD-72, "Employee Salary Administration." <sup>(2)</sup> Reprimanding Authorities recommending dismissal for the first violation of a level 2 offense shall submit sufficient reason and documentation justifying the recommendation.				

**Texas Department of Criminal Justice  
Guidelines for Disciplinary Actions  
Level Three Violations**

NO.	DESCRIPTION
2.	Unexcused Absenteeism (one [1] hour or more)
5c.	Reckless Endangerment: Hazing or Horseplay without Injury
14a.	Use of Profane/Abusive Language
15a.	Instigating or Participating in a Verbal Confrontation or Altercation
24a.*	Use of Excessive/Unnecessary Force - Provoked without Serious Injuries
25a.*	Failure to Report: Relating to Use of Excessive/Unnecessary Force - Provoked without Serious Injuries
25e.*	Failure to Report: Relating to Minor or Non-Excessive and Necessary Use of Force
25g.*	Administrative/Procedural Violation Relating to Use of Force
<p>*Aggravated Use of Excessive Force Provision (applies to violations of Rule Nos. 24a, 25a, 25e and 25g): See the Aggravated Use of Excessive Force Provision on the Listing of Employee General Rules of Conduct and Disciplinary Violations (Attachment A) to determine whether the violation of Rule No. 24a, 25a, 25e or 25g involved an aggravated use of excessive force. If so, the disciplinary action imposed shall be based on the guidelines for the next range of severity within that level. For example, if a violation of Rule No. 24 or 25 is the employee's first offense and it is determined 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 (1) or more of the following: suspension, reduction in pay or demotion.</p>	
27.	Failure to Turn in all Evidence Seized
36.	Insubordination
39b.	Conviction of any Other Misdemeanor (except for drug-related offenses) (See Listing of Employee General Rules of Conduct and Disciplinary Violations [Attachment A] for "Conviction" definition.)
51.	Failure to Report Use of Certain Prescription Drugs
53b.	Failure to Report an Alleged Act of Discrimination/Harassment against Persons of a Protected Class, Discourteous Conduct of a Sexual Nature or Retaliation; Did Not Take Corrective/Preventive Action

<b>RANGE OF DISCIPLINARY ACTION</b>				
	<b>FIRST</b>	<b>SECOND</b>	<b>THIRD</b>	<b>FOURTH</b>
Probation	3 - 4 months	5 - 8 months	9 - 12 months	
Withdrawal of Favorable Payroll Action	Yes	Yes	Yes	
Suspension without Pay	1 - 5 workdays	1 - 10 workdays	1 - 15 workdays	
Reduction in Pay <sup>(1)</sup>		1 - 2 increments or at least 3.4% or 6.8%	2 - 3 increments or at least 6.8% or 10.2%	
Involuntary Demotion <sup>(1)</sup> (must be to a budget authorized position)		1 - 2 salary groups	1 - 3 salary groups	
Dismissal			Yes	Only
<sup>(1)</sup> Reductions in pay and involuntary demotions shall be in accordance with PD-72, "Employee Salary Administration."				

**Texas Department of Criminal Justice  
Guidelines for Disciplinary Actions  
Level Four Violations**

NO.	DESCRIPTION
1.	<p>Tardiness (less than one [1] hour) An individual may be recommended for dismissal for tardiness only upon the fourth occurrence of tardiness within a 12-month period. Tardiness in conjunction with another offense shall count as one (1) violation.</p> <p>Tardiness stands alone and may not be used to enhance any violation, except for another incident of tardiness or a violation of Rule No. 2, Unexcused Absenteeism. As an example, if an individual's previous violation was for tardiness only and the subsequent violation is for unexcused absenteeism, the unexcused absenteeism shall be treated as the second violation of that offense. Unexcused absenteeism also enhances subsequent violations of tardiness.</p>
7.	Substandard Duty Performance
8.	Failure to Follow Proper Safety Procedures
12.	Unauthorized Sales/Solicitations on State Premises
16.	Negligent Operation of an Agency Vehicle
25h.*	Technical Violation Relating to Use of Force
<p>*Aggravated Use of Excessive Force Provision (applies to a violation of Rule No. 25h): See the Aggravated Use of Excessive Force Provision on the Listing Of Employee General Rules Of Conduct And Disciplinary Violations (Attachment A) to determine whether the violation of Rule No. 25h involved an aggravated use of excessive force. If so, the disciplinary action imposed shall be based on the guidelines for the next range of severity within that level. For example, if a violation of Rule No. 24 or 25 is the employee's first offense and it is determined 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 (1) or more of the following: suspension, reduction in pay or demotion.</p>	
28.	Improper or Untidy Uniforms
37.	Misconduct
52.	Failure to Provide Emergency Contact Number
53a.	Failure to Report an Alleged Act of Discrimination/Harassment against Persons of a Protected Class, Discourteous Conduct of a Sexual Nature or Retaliation; Took Corrective/Preventive Action

<b>RANGE OF DISCIPLINARY ACTIONS</b>				
	<b>FIRST</b>	<b>SECOND</b>	<b>THIRD</b>	<b>FOURTH</b>
Reprimand Only	Yes			
Probation	1 - 2 months	3 - 4 months	5 - 6 months	
Withdrawal of Favorable Payroll Action	Yes	Yes	Yes	
Suspension	1 - 3 workdays	1 - 7 workdays	1 - 10 workdays	
Reduction in Pay <sup>(1)</sup>		1 increment or at least 3.4%	2 increments or at least 6.8%	
Involuntary Demotion <sup>(1)</sup> (must be to a budget authorized position)			1 - 3 Salary Groups	
Dismissal			Yes	Only
<sup>(1)</sup> Reductions in pay and involuntary demotions shall be in accordance with PD-72, "Employee Salary Administration."				