

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-73 (rev. 11), “SELECTION CRITERIA FOR
CORRECTIONAL OFFICER APPLICANTS”
SEPTEMBER 1, 2010
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TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

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EXECUTIVE DIRECTIVE

SUBJECT: SELECTION CRITERIA FOR CORRECTIONAL OFFICER APPLICANTS

AUTHORITY: Texas Government Code §§ 411.089, 493.007, 651.005, 657.001-.010; 18 U.S.C. §§ 921(a), 922(g); 38 U.S.C. §§ 4301-4334

Reference: American Correctional Association (ACA) Standards: 4-4054, 4-4057, 4-4061, 4-4084

APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The TDCJ 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 resources policy. These guidelines and procedures are adopted to guide the internal operations of the TDCJ and **do not** create any legally enforceable interest or limit the executive director's, deputy executive director's, or division directors' authority to terminate an employee at will.

POLICY:

The TDCJ promotes equal employment opportunity through a correctional officer (CO) selection system designed to achieve employment without regard to race, color, religion, gender, national origin, age, disability, or genetic information. In addition, the TDCJ complies with the provisions of applicable federal and state laws relating to employment and reemployment entitlements for prospective, current, or former members of the uniformed services.

The TDCJ has zero tolerance for all forms of employment discrimination in the CO selection process, and harassment or retaliation is prohibited. No employee or applicant for employment shall be subjected to harassment or retaliation for opposing or reporting employment discrimination in the CO selection process.

DEFINITIONS:

“Armed Forces” is the U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard, including any auxiliary service of those branches.

“College Program Applicant” is an outside applicant for a CO position who is applying for employment through a college that is conducting CO training for the TDCJ.

“Conviction,” for the purpose of this directive, is defined as: (1) a judgment or a verdict; (2) a plea of guilty or nolo contendere; or (3) 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.)

“Foster Child Employment Preference,” for the purpose of this directive, is the preferential consideration in employment given, when all factors taken into consideration for selection of an applicant are equal, to an applicant currently 25 years or younger who was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the applicant’s 18th birthday.

“Full-Time Correctional Officer” is a CO employed to regularly work a minimum of 40 hours per work cycle.

“Non-Correctional TDCJ Employee” is any TDCJ employee other than a CO or supervisor of COs.

“Offense Involving Domestic Violence” is an offense that has as an element of use or attempted use of physical force, physical harm, bodily injury, sexual assault, or the threatened use of a deadly weapon, committed by an applicant or employee who: (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.

“Part-Time Correctional Officer” is a CO who is employed to regularly work a minimum of 20 hours per work cycle.

“Reassignment,” for the purposes of this directive, shall be a voluntary move from a non-correctional position to a CO position. The move may be a promotion, lateral transfer, or voluntary demotion.

“Regular Applicant” is an outside applicant for a full-time or part-time CO position, other than a college program applicant, rehire, or retiree applicant.

“Rehire Applicant” is an outside applicant for a full-time or part-time CO position who was previously employed with the TDCJ.

“Retiree Applicant” is an outside applicant for a full-time or part-time CO position who retired from state employment through the Employees Retirement System of Texas (ERS).

“Supervisor of Correctional Officers” includes the following positions: sergeant, lieutenant, captain, and major of COs, assistant warden, and warden.

“Veteran’s Employment Preference,” for the purposes of this directive, is preferential consideration for employment given, when all factors taken into consideration for selection of a final applicant are equal, to a veteran who served at least 90 calendar consecutive days of active duty in any branch of the U.S. Armed Forces or in an auxiliary service or reserve component of one of the branches. A veteran also includes those members discharged for an established service-connected disability, regardless of length of service. Further, to be defined as a veteran, the applicant shall have been honorably discharged. Provided the veteran meets the above criteria, employment preference is extended to a veteran’s surviving spouse who has not remarried or an orphan of a veteran killed while on active duty, whether the death was service-connected or not.

PROCEDURES:

I. Basic Eligibility Criteria

All CO applicants, including non-correctional TDCJ employees applying for reassignment or being involuntarily demoted, including through a disciplinary action, resolution of a grievance, or Independent Dismissal Mediation, to a CO position, shall meet the following basic eligibility criteria to be employed as a CO:

- A. Be a citizen of the U.S. or an alien authorized to work in the U.S.;
- B. Be at least 18 years old;
- C. Have graduated from an accredited senior high school or equivalent or obtained a state-issued General Education Development (GED) certificate;

Acceptable documentation verifying graduation from an accredited senior high school or equivalent shall include: (1) a high school diploma from a state-accredited school, a school accredited by an organization recognized by the Council for Higher Education (CHEA), or any private school; or (2) a high school diploma or transcript based on home schooling accompanied by a signed affidavit in which the applicant affirms the completion of high school via home schooling.

- D. Not be on active duty in the military (applicants on terminal leave can apply);
- E. Not have been discharged from the Armed Forces under dishonorable conditions;

- F. Male applicants who are ages 18 through 25, residing in the U.S., and not currently employed with the TDCJ shall present proof of the applicant's registration with the selective service system as required by federal law or present proof of the applicant's exemption from registration with the selective service system;
- G. Not be on probation or deferred adjudication for any criminal offense;
- H. Not have pending charges for any criminal offense or have an outstanding warrant;
- I. Not have had a Class A misdemeanor conviction within the last 10 years;
- J. Not have had a Class B misdemeanor conviction within the last five years;
- K. Never have been convicted of a felony;
- L. Never have been convicted of a drug-related offense (an alcohol-related offense is not a drug-related offense);
- M. Never have been convicted of an offense involving domestic violence;
- N. Pass the TDCJ's written Correctional Officer Pre-Employment Test and receive a passing composite evaluation score based on information included in the application, criminal background check, Pre-Interview Questionnaire, employer references, and job-related information obtained in the interview held upon passing the test;

A rehire or retiree applicant who has held a TDCJ CO or TDCJ supervisor of COs position within the 36-month period immediately preceding the application date is not required to meet this criterion. A supervisor of COs who voluntarily demotes or is involuntarily demoted to a CO position is not required to meet this criterion.
- O. Be able to perform the essential functions of a CO, with or without reasonable accommodation;
- P. Submit to the TDCJ's pre-employment or pre-assignment drug test and have a negative drug test result; and

An applicant shall not be eligible for employment if the applicant was previously required to submit to the TDCJ's pre-employment or pre-assignment drug test but failed to have a negative drug test result through a refusal to test, specimen tampering, or a positive drug test result.
- Q. Pass a physical agility test.

II. Disqualification for Providing Inadequate, False, or Inaccurate Information or Documentation

Prior to an applicant being employed by the TDCJ, the applicant shall provide all required documentation. The Employment Section, Human Resources Division, shall verify the authenticity of the documentation.

- A. An applicant who provides false or inaccurate information or documentation in the application process shall be disqualified from consideration for employment as a TDCJ CO for a minimum period of one year from the date of the applicant's State of Texas Application for Employment.
- B. If the disqualified applicant is an outside applicant, the applicant shall be disqualified from employment consideration for any other TDCJ position during this one-year period.
- C. If the disqualified applicant is a current employee, the employee may be subject to disciplinary action in accordance with PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees."

III. Screening Process

The screening process includes a written pre-employment test and may include an interview. Rehire and retiree applicants who held a TDCJ CO or TDCJ supervisor of COs position within the 36-month period immediately preceding the application date shall not be subject to the screening process. Any other applicant who meets the basic eligibility criteria listed in Section I.A through I.L of this directive shall be subject to the screening process.

A. Correctional Officer Pre-Employment Test

The Correctional Officer Pre-Employment Test consists of the following five parts:

- 1. Memory and observation;
- 2. Situational reasoning;
- 3. Reading comprehension and deductive reasoning;
- 4. Verbal reasoning; and
- 5. Arithmetic.

B. Interview and Evaluation of Qualifications

- 1. A CO recruiter shall interview an applicant who passes the Correctional Officer Pre-Employment Test. The interviewer shall consider all information included in the application, criminal background check, Pre-

Interview Questionnaire, employer references, and job-related information obtained in the interview. Based on this information, the interviewer shall evaluate the applicant's qualifications in the following areas:

- a. Motivation;
 - b. Communication skills;
 - c. Previous experience and career maturity;
 - d. Interpersonal skills;
 - e. Responsibility; and
 - f. Personal integrity.
2. The interviewer shall use established scoring guidelines to score the applicant in each evaluated area on a PERS 136, Application Evaluation Form and add the scores to derive a composite evaluation score. Results from the background check shall also be included as part of the applicant's composite evaluation score.

IV. Selection of Applicants

A. College Program Applicants

Prior to enrolling in a college-sponsored CO training program, a college program applicant shall be tentatively selected based on the applicant's composite evaluation score, which is determined in accordance with the procedures in Section III of this directive. An applicant who is tentatively selected for hire subject to training by the college has no guarantee of TDCJ employment.

If the applicant successfully completes the college-sponsored training program, selection shall be based on the applicant's graduation date and the need and authorization for additional COs in areas where the applicant has indicated the applicant would accept employment.

B. All Other Applicants Subject to Screening Process

An applicant's composite evaluation score, along with the need and authorization for additional COs in the location where the applicant indicated the applicant would accept employment, shall be the basis for determining whether the applicant is selected.

C. Rehire and Retiree Applicants Not Subject to Screening Process

A rehire or retiree applicant who held a TDCJ CO or TDCJ supervisor of COs position within the 36-month period immediately preceding the application date

shall be selected based on employment history, criminal record, other job-related qualifications, and the need and authorization for additional COs in locations where the applicant has indicated the applicant would accept employment.

D. Applicants Entitled to a Foster Child Employment Preference or Veteran's Employment Preference

An applicant identified as being entitled to a foster child employment preference or veteran's employment preference shall be given preferential consideration for a CO position when the applicant is equally qualified with other applicants who are being considered. If an applicant entitled to a foster child employment preference is equally qualified with an applicant entitled to a veteran's employment preference, the former foster child shall be selected for the position.

V. TDCJ Correctional Institutions Division's Pre-Service Training Academy Attendance

A. Regular Applicants

A regular applicant who has been selected for a CO position shall be required to attend the Correctional Institution Division (CID) Pre-Service Training Academy (PSTA). While attending the PSTA, the applicant shall:

1. Submit to a pre-assignment drug test and have a negative drug test result;
2. Complete all curriculum and qualify academically; and
3. Qualify with firearms.

B. Rehire and Retiree Applicants

1. A rehire or retiree applicant who has been selected for a CO position shall attend the PSTA, unless the employee meets one of the following conditions.
 - a. Within the 36-month period immediately preceding the date of rehire, the applicant served in a CO or supervisor of COs position; or
 - b. The applicant previously attended the PSTA and attended the CID's in-service training within the 12-month period immediately preceding the date of rehire, qualified with firearms, and participated in the practical aspects of chemical agents and defensive tactics curriculum during the in-service training.
2. If the applicant is required to attend the PSTA, the applicant shall submit to a pre-assignment drug test, have a negative drug test result, and qualify both academically and with firearms.

3. If the applicant is not required to attend the PSTA, the applicant shall submit to a pre-employment drug test and have a negative drug test result.

VI. Applicant Flow

Human resources staff shall maintain applicants' Personal Data forms. Based on the information provided by these forms, human resources staff shall compile and review applicant flow data for all CO positions on the PERS 45, Applicant-Flow Reporting Form.

VII. Compliance with Equal Employment Opportunity (EEO) Laws

The human resources director or designee shall:

- A. Annually review the instruments used in the CO selection process to ensure compliance with TDCJ policies and procedures and EEO laws;
- B. Review the application and screening documentation for each unselected applicant to ensure the decision is made without regard to race, color, religion, sex, national origin, age disability, genetic information, or uniformed services status; and
- C. Prepare a monthly analysis of the TDCJ workforce, comparing the TDCJ workforce with the state civilian workforce.

VIII. Appeal by Applicant Entitled to the Foster Child Employment Preference or the Veteran's Employment Preference

An applicant for employment entitled to the foster child employment preference or veteran's employment preference who is aggrieved by a selection decision may appeal the decision by filing a written complaint with the Texas Board of Criminal Justice (TBCJ). The TBCJ may render a different selection decision if the TBCJ determines that the foster child employment preference or veteran's employment preference was not applied.

Brad Livingston
Executive Director