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| Chapter: Suspension and Separation | Effective Date: 7/15/16 |
| Title: Administrative Suspension and Separation Due to Ineligibility for Continued Employment | Page: 1 of 3 |
| ACA: N/A | Replaces: PRS.11.21, 1/1/15 |
| Statutes: N/A | |

(a) **Policy.**

- (1) The Texas Juvenile Justice Department (TJJD) may administratively separate an employee who no longer qualifies for employment in his/her current position due to a reason that does not warrant [disciplinary termination](#).
- (2) TJJD may place an employee on administrative suspension without pay while the administrative [separation](#) is pending final approval.
- (3) Administrative separation and administrative suspension under this policy are not disciplinary actions.

(b) **Definitions.**

For definitions of certain terms used in this policy, see the [PRS glossary](#).

(c) **Applicability.**

- (1) This policy applies to situations in which an employee does not meet the criteria for continued employment in his/her current position. Examples of these situations include:
 - (A) a determination that, at the time of hire, the employee did not meet the position's minimum standards set forth on the TJJD Employment Application Supplement, [HR-003](#);
 - (B) failure to successfully complete the position's training requirements;
 - (C) failure to acquire or maintain a required license or credential;
 - (D) lack or loss of authorization to work in the United States;
 - (E) an initial violation of the attendance standards outlined in [PRS.27.01](#) for juvenile correctional officers within the first six months of employment; or
 - (F) a continued violation of the attendance standards outlined in PRS.27.01 for all other employees.
- (2) This policy does not apply to:
 - (A) disciplinary terminations for rule violations outlined in [PRS.35.01](#); or
 - (B) administrative separations for the following reasons:
 - (i) reduction in force, described in [PRS.11.15](#);
 - (ii) medical separation, described in [PRS.11.17](#); or
 - (iii) [pending criminal charges](#), described in [PRS.11.19](#).

(d) **General Provisions.**

(1) **Administrative Suspension.**

The following provisions apply only if an employee is placed on administrative suspension without pay while a recommendation for administrative separation is pending final approval.

- (A) Available leave balances are used before the employee is placed on unpaid status.
- (B) The types of leave available for use and the order in which the types may be used are determined according to the procedures outlined in [PRS.28.02](#).

(2) **Administrative Separation.**

An employee who is separated under this policy:

- (A) is subject to the provisions in [PRS.11.01](#) relating to the process for separation from employment, including the disposition of accrued leave;
- (B) is not entitled to the independent dismissal [mediation](#) program described in [PRS.35.06](#);
- (C) is designated as eligible for [rehire](#) in accordance with [PRS.11.31](#);

Note: Although the employee is eligible for rehire, TJJJD may consider the circumstances of the separation during the rehiring process.

- (D) is not entitled to automatic reinstatement, regardless of whether the employee regains eligibility for employment in his/her previous position (e.g., if he/she obtains the required license or credential or regains authorization to work in the United States); and
- (E) must meet the minimum standards and qualifications and any other job-specific criteria before being considered for rehire.

(3) **Grievance Rights.**

- (A) Generally, the only grievable issue relating to administrative suspension or separation is whether the employee was eligible for continued employment on the date the supervisor signed the Administrative Suspension without Pay Notice, [HR-058a](#), or the Administrative Separation Notice, [HR-058b](#).
- (B) The deadline for submission of the [grievance](#) is 21 [calendar days](#) after the date of the supervisor's signature on the applicable HR-058 form (*not* 21 calendar days after the date of receipt by the employee). See [PRS.35.03](#) for more information on employee grievances.

(e) **Procedures.**

(1) **Approval to Begin the Separation Process.**

(A) **Supervisor's Responsibilities.**

If a supervisor becomes aware that an employee may be ineligible for continued employment in his/her current position and the supervisor has not been notified by the Human Resources office of the situation, the supervisor must email the appropriate human resources administrator (HRA) as soon as reasonably possible.

- (i) The email must explain why the supervisor believes the employee may be ineligible for continued employment.
- (ii) The supervisor must copy the [chief local administrator \(CLA\)](#) on the email.

(B) **HRA's Responsibilities.**

If the HRA determines that administrative separation under this policy is appropriate, he/she:

- (i) prepares an HR-058b; and
- (ii) emails the completed HR-058b to the employee relations specialist.

Note: If the HRA prepared the HR-058b in response to an email notification from a supervisor, the HRA forwards that email to the employee relations specialist with the HR-058b attached.

(C) Employee Relations Specialist's Responsibilities.

- (i) The **employee relations specialist** consults with **Human Resources management** to determine:
 - (I) whether administrative separation under this policy is appropriate; and
 - (II) if so, whether the employee should be placed on administrative suspension without pay or allowed to continue working until the Office of General Counsel (OGC) makes a final decision on the recommendation for separation.
- (ii) If administrative separation under this policy is appropriate, the **employee relations specialist**:
 - (I) forwards the [HR-058b](#) to the OGC for final approval; and
 - (II) emails the HRA with instructions regarding the employee's status while the OGC is reviewing the recommendation.

(2) Placing the Employee on Administrative Suspension.

The following procedures apply only if the employee will be placed on administrative suspension while awaiting the final separation decision from OGC.

- (A) After being notified by the employee relations specialist that the employee is to be administratively suspended, the **HRA**:
 - (i) provides an Administrative Suspension without Pay Notice, [HR-058a](#), to the employee's supervisor for signature;
 - (ii) instructs the supervisor to:
 - (I) issue the form to the employee in person and return the original form to the HRA after it is signed by the employee; or
 - (II) return the form to the HRA for mailing to the employee if the employee is on leave; and
 - (iii) notifies the CLA of the action by email.
- (B) If the employee exhausts available paid leave and is placed on unpaid status, the **HRA**:
 - (i) notifies the Payroll Department as soon as reasonably possible; and
 - (ii) processes a Personnel Action Request – Pay/Benefit Change form, [HR-002-D](#).

(3) Issuing the Notice of Administrative Separation.

After receiving an email from the employee relations specialist indicating that the OGC has approved the HR-058b, the **HRA**:

- (A) provides the approved HR-058b to the employee's supervisor for signature;
 - (B) instructs the supervisor to:
 - (i) issue the form to the employee in person and return the original form to the HRA after it is signed by the employee; or
 - (ii) return the form to the HRA for mailing to the employee if the employee is on administrative suspension or other leave; and
 - (C) notifies the CLA of the action by email.
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