

HUMAN RESOURCES ACCOUNTABILITY ISSUES

ISSUE	MODULE	REVIEW	AUTHORITY/ REFERENCE	CRITERIA
Achievement Bonus	Compensation/Rewards	Cost savings and revenue enhancement plan must be on file with LBB, Comptroller, and Governor's Office. Achievement bonuses cannot be in excess of total costs savings identified in agency plan. Agencies should have appropriate documentation for granting achievement bonus. Bonus cannot be within six months of hire or last salary increase.	GAA, Art. V, §1(5) and §110(3)	Compliance
Alcohol/Drug Abuse	Employee Relations	Agencies should have policy concerning employee substance abuse.	GAA, Art. V, §10	Good management practice
Age Discrimination	Recruitment/ Selection Employee Relations	Cannot discriminate in selection or employment practices for anyone 40 years and over. Prohibited from employing a child under 14 years, except in cases specified in the law.	U.S. Public Law 95-256, 92 Stat. 189, 29 CFR 570, Art. 5221k, VACS	Compliance
Americans With Disabilities Act (ADA)	Recruitment/ Selection Employee Relations	Agencies must comply with the numerous regulations of this Act regarding selection and employment.	42 USC, §12.101 et. seq.	Compliance
Awards and Gifts	Employee Relations	Employee awards and gifts cannot exceed \$50 and must be purchased through the General Services Commission.	GAA, Art. V, §11	Compliance
Classification of Positions	Compensation/Rewards	Agencies should have systems in place to appropriately classify positions and to review positions for possible reclassifications. Entities should also have system to review positions and comply with internal policy.	State Government Code 654.003	Compliance/ Good management practice
Conflict of Interest	Employee Relations	State employees may not have any interest in, engage in a business/professional activity, or incur any obligation which is in conflict with their state duties.	Arts. 6252-9b, VACS	Compliance
Consulting Contracts	Employee Relations	Can use consultant only if agency cannot adequately perform the service. Must notify budget offices at least 30 days before pursuing a contract that exceeds \$10,000 and must file certain information with the Secretary of State and <i>Texas Register</i> at least 30 days before and 10 days after contracting with consultant.	State Government Code 2254.021 et. seq.	Compliance
Demotions	Compensation/Rewards	Agencies should be able to provide appropriate documentation of reason in order to justify action. Employee must receive at least one step decrease in pay.	GAA, Art. V, §1(7)	Compliance/ Good management practice
Dual Employment	Employee Relations	Agencies must comply with rules set forth in GAA	GAA, Art. V, §9	Compliance
Emergency Leave	Employee Relations	Agencies should provide consistent application of leave granted, duration of leave, and who approves leave. Agencies should have rules for emergency leave eligibility for death of an employee's family member who is not specified in the GAA	GAA, Art. V, §8(3)	Good management practice

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Employee Assistance Programs	Employee Relations	Agencies should consider offering employee assistance programs to handle employee personal problems and concerns.	Arts. 6252-27, VACS	Good management practice
Employee Incentive and Productivity Bonus Program	Compensation/Rewards	Agencies should have proper documentation to justify award.	Art. 6252-29a, VACS	Good management practice
Employment Benefits	Compensation/Rewards	Agencies should have system to communicate benefits package to employees and to provide assistance.	Inventory of Texas Basic State HRM Statutes	Good management practice
Employment Interviews	Recruitment/ Selection	Human Resource staff and managers should be trained in the legality of employment interview questions and practices.	42 USC 2000e	Good management practice
Equal Employment Opportunity Policy/ Affirmative Action Plans	Recruitment/ Selection Employee Relations	Agencies must comply with numerous laws and regulations when making selection and employment decisions.	GAA, Art. V, §100	Compliance
Equal Employment Opportunity Reporting Requirements	Employee Relations	Agencies must report EEO data to Texas Commission on Human Rights each calendar year.	GAA, Art. V, §98	Compliance
Extended Sick Leave	Employee Relations	Agencies must have extended sick leave policy on file with SAO (Classification Office) and must make available to employees. Agencies should provide consistent application of extended sick leave.	GAA, Art. V, §8(2)	Compliance/ Good management practice
Family and Medical Leave and Parental Leave	Employee Relations	Agencies must comply with federal regulations and GAA regarding these types of leave.	29 CFR 825, GAA, Art. V, §§8, 13, and 15	Compliance
FLSA Exempt or Non-Exempt Status	Compensation/Rewards	Agencies should have system of reviewing positions to determine FLSA status.	29 U.S.C. §201	Compliance
Grievance Procedures	Employee Relations	Agencies should have policy and procedures concerning employee complaints and grievances and publicize to employees.	Art. 5154c, §6, VACS	Good management practice
Health Fitness and Education	Employee Relations	Agencies must submit health fitness plan to Texas Department of Health. Must be approved by the Governor if public funds are expended.	Arts. 6252-27, VACS	Compliance
Job Evaluation System	Compensation/Rewards	Agencies should have system to evaluate jobs and provide for proper classification.	No citation at time of writing	Good management practice

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Job Posting	Recruitment/ Selection	Agencies must post job opportunities with TEC for all positions where external applicants will be considered.	Art. 5221g-2, VACS	Compliance
Labor Unions	Employee Relations	Employees cannot be denied employment for labor union membership. Management should meet with employees to discuss conditions of employment. Striking employees forfeit all state employment rights.	Arts. 5207a and 5154c, VACS; AGO H-422; §403.0165 of State Government Code	Compliance
Leave Records	Employee Relations	Agencies must keep record of time and attendance, leave accrual, employee absences, and reason for absences.	GAA, Art. V, §8(7)	Compliance
Leave Without Pay	Employee Relations	Agencies should apply LWOP consistently and have rules for acceptable LWOP situations and policy for exceptions allowing LWOP for over one year.	GAA, Art. V, §8, 11	Good management practice
Legally Required Notices	Employee Relations	Agencies must post notices regarding Unemployment Insurance, Family and Medical Leave, ADA Statement of Non-Discrimination and Grievances Procedures, Workers' Compensation, Equal Employment Opportunity, Fair Labor Standards Act, Whistle-Blowing, and Hazardous Working Environment.	Various federal and state statutes	Compliance
Merit Increases	Compensation/Rewards	Agencies should be able to provide appropriate documentation of meritorious employee performance level.	GAA, Art. V, §1(4)	Good management practice
Merit Principles	Employee Relations	Agencies which receive certain federal funds are required to use a merit system of human resource management.	Arts. 6252-11g, VACS	Compliance
Minority Hiring Practices	Recruitment/ Selection	Agencies should employ minorities in certain job categories in relation to their availability in the statewide civilian labor force and report to the Texas Commission on Human Rights 60 days after each fiscal year the number of minorities hired.	GAA, Art. V, §99	Compliance
Nepotism	Employee Relations	Employees must not be related to the agency head within the second degree of affinity or the third degree of consanguinity. Employees at all levels should not have supervisory or personnel action responsibility for relatives.	Art. 5996, VACS	Compliance/ Good management practice
Overtime	Employee Relations	Agencies must keep separate records of FLSA non-exempt employees' for FLSA overtime and state compensatory time. Agencies should have policy regarding eligibility of FLSA exempt employees to receive state compensatory time and what percent time off (up to straight time) they receive.	29 USC §201, GAA, Art. V, §2(5)	Compliance/ Good management practice
Performance Evaluation Systems	Performance Appraisals	Agencies should have performance appraisal system for all employees. Appraisals should be based on documented job analysis, should be conducted on timely basis, and process should be documented and communicated to employees.	No citation at time of writing	Good management practice

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Personnel Files	Employee Relations	Agencies are required to maintain official personnel file for each employee.	GAA, Art. V, §8(7)	Compliance
Political Influence	Employee Relations	Full-time state employees cannot be employed concurrently as a paid lobbyist. Part-time employees can serve as a lobbyist as long as the lobbying interests are not related to their state duties.	GAA, Art. V, §5	Compliance
Positions Exempt from Classification Plan	Compensation/Rewards	Agencies should have job descriptions for exempt positions. Agencies should have appropriate process to review positions to be exempted from the Classification Plan.	GAA, Art. V, §1(16 and 17a)	Good management practice
Pregnancy	Recruitment/ Selection Employee Relations	Agencies are prohibited from discriminating on the basis of pregnancy, childbirth, or related medical condition in selection and employment practices.	U.S. Public Law 95-555, 92 Stat. 2076, 29 CFR 825	Compliance
Probationary Periods	Employee Relations	Probationary periods are not mandated by any laws. If agency has developed a probationary period, it should be applied consistently and guidelines should be explained in policy manual. (This can imply an employment contract.)	No citation at time of writing	Good management practice
Promotions	Compensation/Rewards	Agencies should have consistent job related system to review employees for promotions. Employees must receive at least a one step salary increase.	GAA, Art. V, §1(6)	Compliance/ Good management practice
Salary Reduction in Pay for Disciplinary Reasons	Compensation/Rewards	Agencies should have documentation of employee's unacceptable performance.	GAA, Art. V, §1(8)	Compliance/ Good management practice
Selection and Recruitment Plan	Recruitment/ Selection	Agencies should have a selection and recruitment plan and procedures.	GAA, Art. V, §§98-100	Good management practice
Sexual Harassment Policy	Employee Relations	Agencies should have sexual harassment policy.	42 USC 2000e, §39.02(a) Penal Code	Compliance/ Good management practice
Sick Leave	Employee Relations	Employees must provide written documentation for sick leave of more than three consecutive days.	GAA, Art. V, §8(2)	Compliance
Sick Leave Pool Policy	Employee Relations	Agencies must have sick leave pool policy and designated Pool Administrator. Policy must comply with provisions of statute.	Art. 6252-8a, VACS	Compliance
State Property	Employee Relations	State property must be used only for state purposes. Employees must utilize state telecommunications system when available, and this must be contained in policy manual.	GAA, Art. V, §§43 and 80	Compliance
Step Adjustments	Compensation/Rewards	Agencies should have policy that defines how step adjustments will be approved. Step adjustments should be consistently applied.	GAA, Art. V, §1(17b)	Good management practice

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Termination of Employees	Employee Relations	Agencies must be aware of and comply with numerous restrictions and liabilities when terminating employee.	Various laws cited in Recruitment/ Selection module	Good management practice
Training	Training/ Development	Agencies should have both orientation and training programs which cover technical programs specific to the agency and other HR issues listed in this document.	Art. 6252-11a, VACS	Good management practice
Travel	Employee Relations	Agencies should communicate travel regulations/policies in manual to employees. They should be applied consistently.	GAA, Art. V, §§13-19	Compliance/ Good management practice
Turnover Rate	Recruitment/ Selection	How does agency compare to other agencies and state average and what could account for high turnover rate?	Classified Employee FY Turnover Report, State Classification Office	Good management practice
Workers' Compensation	Employee Relations	State employees are entitled to payment for medical fees and income benefits for time lost from employment due to occupational injuries or diseases.	Arts. 8308 and 8309g, VACS	Compliance
Working Hours	Employee Relations	Agencies must be open from 8:00 a.m. - 5:00 p.m. and during the noon hour. Agencies may allow employees to work flexible hours.	GAA, Art. V, §7	Compliance

Key: AGO Attorney General Opinion
CFR Code of Federal Regulations
GAA State of Texas General Appropriation Act
HRM Human Resources Management
USC United States Code
VACS Vernon's Annotated Civil Statutes