

BILL ANALYSIS

Senate Research Center
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S.B. 1009
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Education
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DIGEST AND PURPOSE

Currently, faculty members may be called into meetings with high ranking administrators of the institution of higher education in which they work and be presented with issues which may result in adverse personnel action. Oftentimes, the faculty member in question is called into the meeting without receiving advance notice of or information relating to the content of the meeting, even if such information is requested by the faculty member. In some instances, when the faculty member arrives at the meeting, several administrators, in addition to legal counsel, are present at the meeting and verbal charges of misconduct or other charges which may result in adverse action are presented to the faculty member. In these cases, if the faculty member requests the opportunity to have a representative with them, this representative is sometimes denied access to the meeting. As proposed, S.B. 1009 requires notification in writing by the supervisor to the faculty member not later than the fourth day before the date of the meeting and that the faculty member be authorized to bring a representative to the meeting.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 51Z, Education Code, by adding Section 51.961, as follows:

Sec. 51.961. RIGHT OF FACULTY MEMBER TO REPRESENTATION IN PERSONNEL MEETINGS. Defines "faculty member," "institution of higher education," "supervisor," and "personnel action." Provides that a faculty member employed by an institution of higher education has the right to be represented in a meeting with a supervisor or person designated by a supervisor that relates to the faculty member's job performance and that may result in an adverse personnel action or a recommendation related to certain factors. Provides that the right to representation applies to any meeting whose purpose is partially or wholly investigatory, regardless of whether the faculty member is the subject of the investigation. Authorizes the faculty member to select a person to serve as the faculty member's representative. Authorizes the representative to be a person who is a member of a labor organization that does not claim the right to strike. Requires a supervisor or person designated by a supervisor to notify in writing a faculty member who is directed to attend a meeting that may result in an adverse personnel action or a recommendation related to an adverse personnel action. Requires the faculty member to receive the notice not later than the fourth day before the date of the meeting. Requires the notice to state certain information. Provides that in a meeting to which this section applies, the faculty member's representative has the right to perform certain procedures. Provides that the right to representation under this section does not extend to a routine meeting between a supervisor and a faculty member that has no reasonably foreseeable possibility of resulting in an adverse personnel action. Provides that a faculty member has the right to receive notice of and be represented in a meeting that relates in any way to the faculty member's state or federal employment rights, regardless of whether a supervisor is present. Provides that nothing in this section impairs the right of a faculty member

to present a grievance under Section 51.960 (Grievance Rights on Certain Personnel Issues) or other law.

SECTION 2. Effective date: September 1, 2001