

New Supervisors Course

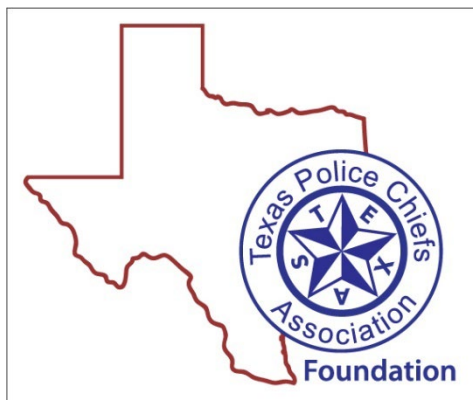
24 Hours – TCOLE Course #3737



Presented by:

***Texas Police Chiefs Association
Foundation***

P.O. Box 819, Elgin, Texas 78621



Welcome to a Texas Police Chiefs Association Foundation (TPCAF) training session. Thank you for participating in some of the best leadership focused training in Texas. Whether you are seeking the coveted Law Enforcement Command Officer Professional (LECOP) status or taking an individual class to sharpen your skill set, we hope you find this class personally and professionally rewarding.

Proceeds from training sessions like this support the TPCA Foundation's work, including the Fallen Officer Fund. The Fallen Officer Fund provides a \$10,000 check to the family of any peace officer killed in the line of duty in Texas. This includes Federal, State, county, local, and other peace officers working in Texas. The goal of the Fallen Officer Fund is to assist the family with any immediate needs by providing funds within 24-48 hours after the line of duty death. The family of a fallen officer should not have to worry about having money to pay a bill, flying in family from out of town, buying groceries, or any other need. Your attendance at this training session directly supports these families.

We encourage you to consider becoming a member of the Texas Police Chiefs Association (TPCA). TPCA is the largest association of police leaders in Texas and one of the largest state police chiefs associations in the nation. TPCA provides members with professional networking opportunities, a voice on legislative matters, resources, training opportunities, and access to model policies through the Texas Law Enforcement Accreditation Program. Please visit www.texaspolicechiefs.org for more information.

We hope you will check out our course catalog at [Texas Police Chiefs Association Conference & Training Site](#) to learn more about other training opportunities available.

Please consider donating to the Fallen Officer Fund

TEXAS POLICE CHIEFS ASSOCIATION FOUNDATION

To make a difference, please scan below



TEXAS POLICE CHIEFS ASSOCIATION FOUNDATION

TRUCK RAFFLE

2025 Chevrolet Trail Boss Valued at \$60,000
Approximate Value

 100% of Proceeds Benefit the TPCAF Fallen Officer Fund

Tickets
\$100 each

[Click Here To Purchase](#)

Drawing to be held:
April 17, 2025

Winner need not be present to win

[SCAN ME](#)



Winner assumes responsibility for all taxes and registration fees.

TPCA Foundation | PO Box 1030 | Elgin, TX 78621 | www.texaspolicechiefs.org



Actual Truck Not Pictured



TPCA Training



Open To All Texas Law Enforcement Agencies

-  Classes offered throughout different regions of Texas
-  Aims to provide the very best of executive and command level training for chiefs, commanders and supervisors to lead and manage throughout their organizations
-  Classes are focused on leadership with common themes of fairness, dignity, respect, trust and non-biased practices that create healthy organization and community confidence.

Details &
Registration
Here



TRAINING TOMORROW'S LEADERS TODAY!



LECOP

Law Enforcement Command Officer Program

Earn acknowledgment as a trained Law Enforcement Command Officer by completing a series of 10 training courses. Classes are open to all Texas Law Enforcement Agencies and designed to develop leadership skills and apply those skills to specific assignments.

TRACK A

Focuses on Individual Leadership Skills

TRACK B

Focuses On Leadership In An Organization & Influencing Culture



TEXAS POLICE CHIEFS ASSOCIATION

66th Annual Conference

APRIL 14-17, 2025
Galveston Convention Center



Training Opportunities

200+ Vendor Booths

Speakers

Golf Tournament

Run 2 Remember

Networking



Plan on attending the annual TPCA Conference.

Register at [Texas Police Chiefs Association Conference & Training Site](https://www.tpcanet.org/conference)

Texas Law Enforcement Accreditation Program



The Texas Police Chiefs Accreditation Program allows Law Enforcement Agencies to voluntarily demonstrate compliance with over 170 best practices, developed by professionals, to ensure efficient service delivery and protection of individual rights.



External Review of policies & operations



Enhances knowledge of policing & procedures



Decreased exposure to liability risk & cost



Demonstrates to the community the police department meets or exceeds the highest standards of Law Enforcement excellence





WHAT YOU NEED TO KNOW:

- Open to all Law Enforcement Agencies
- Financial obligations: new application fee, annual program fee, travel costs for review team
- Program manager is required to complete 8 hours of program training - Agency heads are highly encouraged to attend
- Agency has two years to complete the process
- Accredited status is granted for four years. During this period, agencies are required to submit annual reports to demonstrate ongoing compliance with relevant standards
- Participating entities may qualify for scholarship to cover initial fee



www.texaspolicechiefs.org

PROFESSIONAL SERVICES



The Texas Police Chiefs Association (TPCA) is the largest association of police executives in Texas and one of the largest state police chiefs associations in the country. With a diverse group of experts in all areas of policing, TPCA provides a wide range of professional services to Texas governmental entities.

Police Chief Search and Selection

Staffing Studies

Executive Level Training

Comprehensive Organizational Studies

Strategic Planning

Accreditation Program

POLICE CHIEF SEARCH AND SELECTION

The Texas Police Chiefs Association offers valuable technical assistance in evaluating resumes and pinpointing credible candidates. Utilizing these resources can enhance your ability to choose the most suitable candidate for your department. Additionally, the Association can deliver a comprehensive selection process, typically at a significantly lower cost than many consulting firms.

STAFFING STUDIES

We provide Staffing Studies that use the IACP and ICMA recommended workload models to determine the staffing options for various policing strategies.

COMPREHENSIVE ORGANIZATIONAL STUDIES

A comprehensive Organizational Audit is beneficial, as it examines all departmental operations to ensure adherence to legal standards and best practices. This evaluation provides an analysis of crime control strategies, necessary staffing levels, and may include an anonymous employee survey.

STRATEGIC PLANNING

A roadmap providing organizational direction can be an effective management and budget tool. TPCA can assist law enforcement agencies in developing a strategic plan and can facilitate the strategic planning process for other city departments.

EXECUTIVE LEVEL TRAINING

TPCA provides quality training around the state. The Law Enforcement Command Officers Program (LECOP) offers a series of 10 courses to command level officers and supervisors covering the full range of law enforcement operations including Developing Leaders, Managing Administrative Operations, Patrol, Traffic, Special Operations and Criminal Investigations. Upon completing the full course series, they receive a LECOP Certificate and special recognition. All TPCA classes emphasize the importance of Leadership.

ACCREDITATION PROGRAM

A nationally recognized program with over 170 standards outlining best practices for law enforcement agencies in Texas. This program includes independent review of policies and operations of an agency, ensures efficient service delivery to the public, protection of individual rights, and decreased exposure for liability and risk.

FOR MORE INFORMATION PLEASE EMAIL
GELLIS@TEXASPOLICECHIEFS.ORG
OR CALL 512-281-5400



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Texas Police Chiefs Association Foundation

Overview and Macro Curriculum

New Supervisor's Course (TCOLE 3737)

Rationale:

Every law enforcement supervisor in Texas is required to complete a TCOLE approved new supervisor's course in accordance with the requirements set out in 1701.352 of the Occupations Code. This course must be completed no earlier than one year before appointed as a supervisor and not later than one year after that appointment. This course meets the requirements of the Occupations Code and the TCOLE designed course standards.

Overview:

This is a 24 hour course which is presented in three days. The course will provide instruction that is both philosophical and practical, with discussions, question and answer sessions, readings, video instruction and case studies as presentation methods. The course is designed for all officers who have been or will be assigned to their first supervisory role within their agencies. The course contains information on the role and responsibilities of the law enforcement supervisor as well as a heavy emphasis on leadership development.

Course Goals:

At the conclusion of this course, the participants will:

- Be familiar with the role and responsibilities of the law enforcement supervisor.
- Discuss the values, ethics and principles associated with serving as a supervisor.
- Describe various communications and leadership components to be utilized.
- Define the fundamentals of counseling, planning and organizing and organizational culture.
- Identify main issues associated with civil and legal liability, civil rights, racial sensitivity, cultural diversity and special investigative topics.
- Recognize specific leadership components and motivational factors for employees.

Schedule:

Day One	0800 - 0900 hrs	Welcome, Introduction and Opening
	0900 - 1200 hrs	Rules, Role Identification, Values and Ethics
	1200 - 1300 hrs	Lunch
	1300 - 1700 hrs	Communications and Leadership Styles
Day Two	0800 - 1200 hrs	Counseling, Evaluations and Conduct Tracking
	1200 - 1300 hrs	Lunch
	1300 - 1700 hrs	Liability and Civil Rights, Cultural Diversity
Day Three	0800 - 1200 hrs	Special Investigative Issues and The Transition to Supervisor
	1200 - 1300 hrs	Lunch
	1500 - 1700 hrs	Leadership Principles and A Leadership Case Study

Instructor:

Michael R. (Mike) Gentry, Chief of Police (ret.), Director of Training, Texas Police Chiefs Association



Instructor Bio

Billy Tidwell

brtidwell@comcast.net

Chief Billy Tidwell retired from the Tomball Police Department in 2020 after serving 5 years as Chief of Police. Prior to that he was the Chief of the Liberty Police Department, on two separate occasions, for a total of 17 years. He currently provides professional coaching, consulting and training through BRT Consulting, LLC.

He has conducted training for many law enforcement agencies and departments across the country, as well as organizations and associations, including the Texas Sheriff's Association, the Texas Narcotics Control Program and the Texas Jail Association. He has also conducted numerous training sessions for LEMIT in the Texas Police Chief's Leadership Series, Constables Continuing Education, Command Staff Leadership Series and New Chief Leadership Series.


Chief Tidwell has a Bachelor's Degree in Sociology from Texas Tech University and a Master's Degree in Public Administration from the University of Houston. He holds a Master Peace Officer Certificate and is a licensed TCOLE instructor, TCOLE Firearms Instructor, and Emergency Driving Instructor.

New Supervisor Course

TCOLE Course # 3737

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Texas Police Chiefs Association Foundation



1

Rule 211.27 Reporting Responsibilities of Individuals

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- Within thirty days, a licensee or person meeting the requirements of a licensee shall report to the Commission
 - any name change
 - a permanent mailing address and all subsequent address changes
 - an arrest, charge, or indictment for an offense above Class C misdemeanor, or for a Class C misdemeanor involving the duties and responsibilities of office, or family violence
 - the final disposition of criminal action
 - receipt of a dishonorable discharge from the armed forces.

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Rule 211.29 Responsibilities of Agency Chief Administrators

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- Responsible for making reports and submitting documents required of that agency by the Commission
- Shall notify the Commission of the date of appointment and title, through a form prescribed by the Commission within 30 days of appointment
- Must comply with the appointment and retention requirements under Texas Occupations Code, Chapter 1701
- Must report to the Commission within 30 days, any change in the agency's name, physical location, mailing address, electronic mail address, or telephone number.

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Rule 211.29 Responsibilities of Agency Chief Administrators

- Must report, in a standard format, incident-based data compiled in accordance with Texas Occupations Code §1701.164.
- Report line of duty deaths to the Commission in current Peace Officer's Memorial reporting formats
- Obligated to determine that all appointees can safely and effectively perform the essential job functions. May require a fit for duty review upon identifying factors that indicate an appointee may no longer be able to perform job-related functions safely and effectively. These factors should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical or psychological condition or impairment.

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Rule 211.29 Responsibilities of Agency Chief Administrators

- Must provide training on employment issues identified in Texas Occupations Code §1701.402 and field training
- Must provide continuing education training required in Texas Occupations Code §1701.351 and §1701.352
- Before an agency appoints any licensee to a position requiring a Commission license it shall complete the reporting requirements of Texas Occupations Code §1701.451
- An agency appointing a person who does not hold a Commission license must file an application for the appropriate license with the Commission.

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Rule 211.29 Responsibilities of Agency Chief Administrators

- An agency must notify the Commission electronically following the requirements of Texas Occupations Code §1701.452, when a person under appointment with that agency resigns or is terminated
- An agency Chief Administrator must comply with orders from the Commission regarding the correction of a report of resignation/termination or request a hearing from SOAH
- An agency shall notify the Commission electronically within 30 days, when it receives information that a person under appointment with that agency has been arrested, charged, indicted, or convicted for any offense above a Class C misdemeanor, or for any Class C misdemeanor involving the duties and responsibilities of office or family violence.

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Rule 211.29 Responsibilities of Agency Chief Administrators

- Except in the case of a Commission error, an agency that wishes to report a change to any information within Commission files about a licensee shall do so in a request to the commission, containing
 - the licensee's name, date of birth, last four digits of the social security number, or PID
 - the requested change
 - the reason for the change.

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Rule 211.29 Responsibilities of Agency Chief Administrators

- An agency Chief Administrator may not appoint an applicant subject to pending administrative action based on
 - enrollment or licensure ineligibility
 - statutory suspension or revocation
- The effective date of this section is February 1, 2016.

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Rule 218.3 Legislatively Required Continuing Education for Licensees

- Each licensee shall complete legislatively mandated continuing education
- Agencies shall allow the licensee the opportunity to complete legislatively mandated continuing
- This section does not limit the number or hours of continuing education an agency may provide
- Each training unit (2 years)
 - Peace Officers shall complete at least 40 hours of continuing education, to include the corresponding legislative update for that unit
 - Telecommunicators shall complete at least 20 hours of continuing education to include cardiopulmonary resuscitation training.

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Rule 218.3 Legislatively Required Continuing Education for Licensees

- Each four-year training cycle
 - Peace Officers who have not yet reached Intermediate Proficiency Certification shall complete: Cultural Diversity (3939), Special Investigative Topics (3232), Crisis Intervention (3843) and De-escalation (1849).
 - Individuals licensed as Reserve Law Enforcement Officers, Jailers, or Public Security Officers shall complete Cultural Diversity (3939), unless the person has completed or is otherwise exempted from legislatively required training under another Commission license or certificate

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Rule 218.3 Legislatively Required Continuing Education for Licensees

- Assignment specific training
 - Police Chiefs - individuals appointed as "Chief" or "Police Chief" of a Police Department shall complete:
 - For an individual appointed to that individual's first position as Chief, the initial training program for new Chiefs provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as Chief; and
 - At least 40 hours of continuing education for Chiefs each 24-month unit, as provided by the Bill Blackwood Law Enforcement Management Institute.

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Rule 218.3 Legislatively Required Continuing Education for Licensees

- Constables: elected or appointed Constables shall complete:
 - For an individual appointed or elected to that individual's first position as Constable, the initial training program for new Constables provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as Constable
 - Each four-year cycle, at least 40 hours of continuing education for Constables, as provided by the Bill Blackwood Law Enforcement Management Institute and a 20-hour course of training in civil process to be provided by a public institution of higher education selected by the Commission.

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Rule 218.3 Legislatively Required Continuing Education for Licensees

- Deputy Constables: Deputy Constables shall complete a 20-hour course of training in civil process each training cycle. The Commission may waive the requirement for this training if the Constable, in the format required by TCOLE, requests exemption due to the Deputy Constable not engaging in civil process as part of their assigned duties.
- New Supervisors: Peace Officers assigned to their first position as a Supervisor must complete new Supervisor training within one year prior to or one year after appointment as a Supervisor.

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Rule 218.3 Legislatively Required Continuing Education for Licensees


- School-based Law Enforcement Officers: School District Peace Officers and School Resource Officers providing law enforcement services at a school district must obtain a School-Based Law Enforcement Proficiency Certificate within 180 days of the Officer's commission or placement in the district or campus of the district
- Eyewitness Identification Officers: Peace Officers performing the function of eyewitness identification must first complete the Eyewitness Identification Training (#3286)
- Courtroom Security Officers/Persons: any person appointed to perform courtroom security functions at any level shall complete the Courtroom Security Course (#10999) within one year of appointment.

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Rule 218.3 Legislatively Required Continuing Education for Licensees

- Body Worn Cameras: Peace Officers and other persons meeting the requirements of Occupations Code 1701.656 must first complete Body-Worn Camera Training (#8158)
- Officers Carrying Epinephrine Auto-injectors: Peace Officers meeting the requirements of Occupations Code 1701.702 must first complete epinephrine auto-injector training.



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Rule 218.3 Legislatively Required Continuing Education for Licensees

- Jailer Firearm Certification: Jailers carrying a firearm as part of their assigned duties must first obtain the Jailer Firearms Certificate before carrying a firearm.
- University Peace Officers, Trauma-Informed Investigation Training: University Or College Peace Officers shall complete an approved course on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking.

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Rule 218.3 Legislatively Required Continuing Education for Licensees

- Human Trafficking: Peace Officers first licensed on or after January 1, 2011, must complete Human Trafficking (#3270), within 2 years of being licensed
- Canine Encounters: Peace Officers first licensed on or after January 1, 2016, must take Canine Encounters (#4065), within 2 years of being licensed
- Deaf and Hard of Hearing Drivers: Peace Officers licensed on or after March 1, 2016, must complete Deaf and Hard of Hearing Drivers (#7887) within 2 years of being licensed.

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Rule 218.3 Legislatively Required Continuing Education for Licensees

- Civilian Interaction Training: Peace Officers licensed before January 1, 2018, must complete Civilian Interaction Training Program (CITP) within 2 years. All other Peace Officers must complete the course within 2 years of being licensed.
- Crisis Intervention Training: Peace Officers licensed on or after April 1, 2018, must complete the 40-hour Crisis Intervention Training within 2 years of being licensed
- Mental Health for Jailers: County Jailers must complete Mental Health for Jailers not later than August 31, 2021.

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Rule 218.3 Legislatively Required Continuing Education for Licensees

- The Commission may choose to accept an equivalent course for any of the courses listed in this chapter, provided the equivalent course is evaluated by Commission staff and found to meet or exceed the minimum curriculum requirements of the legislatively mandated course
- The Commission shall provide adequate notice to agencies and licensees of impending non-compliance with the legislatively required continuing education.
- The Chief Administrator of an agency that has licensees who are in non-compliance shall, within 30 days of receipt of notice of non-compliance, submit a report to the commission explaining the reasons for such non-compliance.

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Rule 218.3 Legislatively Required Continuing Education for Licensees

- Licensees shall complete the legislatively mandated continuing education in the first complete training unit, as required, or first complete training cycle, as required, after being licensed
- All Peace Officers must meet all continuing education requirements except where exempt by law
- The effective date of this section is June 1, 2022.

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Rule 219.11 Reactivation of a License

- The Commission will place all licenses in an inactive status at the end of the most recent training unit or cycle in which the licensee:
 - was not appointed at the end of the unit or cycle; and
 - did not meet continuing education requirements
- The holder of an inactive license is unlicensed for all purposes
- This section includes any permanent Peace Officer qualification certificate with an effective date before September 1, 1981.

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Rule 219.11 Reactivation of a License

22

- The requirements to reactivate a license for a Peace Officer with less than 10 years of full-time service are:
 - If not appointed within two, but less than five, years from initial licensure:
 - meet current licensing standards
 - successfully complete continuing education requirements, a supplemental Peace Officer training course, and a skills assessment course;
 - make application and submit any required fee(s); and
 - pass the reactivation exam.

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Rule 219.11 Reactivation of a License

23

- Unless exempted by Texas Occupations Code Section 1701.356, the requirements to reactivate a license for an Honorably Retired Peace Officer are:
 - meet current licensing standards
 - meet current continuing education requirements
 - make application and submit any required fee(s)
- School Marshal licenses are subject to the reactivation and renewal procedures related to School Marshals under Chapter 227 of this title.

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Rule 219.11 Reactivation of a License

24

- The requirements to reactivate a jailer or telecommunicator license are:
 - If less than two years from last appointment
 - meet current licensing standards
 - successfully complete continuing education requirements
 - make application and submit any required fee(s) in the format currently prescribed by the commission.

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Leadership Qualities



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Role Identification


- Management Expectations
 - Set the Example
 - Shift From Doing the Work to Getting it Done Through Others
 - Support Department Policies and Procedures
 - Stay Cool Under Pressure
 - Be Courageous in Supervision
 - Develop and Protect Subordinates (Physical and Legal Injury)
 - Solve Problems
 - Cultivate and Model Good Organizational Cultures and Health
 - TRUST.



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Role Identification




- Subordinate Expectations
 - Be a Leader
 - Understand People – Issues, Problems, Motivations etc.
 - Illustrate Technical Competence
 - Represent Workers to Management
 - Take Care of People – Support, Correction, and Development
 - Guidance and Input
 - Provide Support and Resources
 - TRUST.

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Role Identification

Leadership vs. Management




Leadership is a Function of Relationships - Working with People
Management is Using Resources - Deployment, Staffing etc.

“A Person Who Has no Followers is Not a Leader”

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Role Identification




Blomer's Taxonomies Adapted to Organizations (entry)

Domains of Learning	Analogy to the Human	Analogy to the Org.	Applied to Org. System	Accountability Measure
Cognitive Domain - This is the learning of rote information, Memory. Being able to recite and intelligently manipulate information. Math, law, etc. Informational. Principles as backdrop for other learning.	Brain - This is the part of the human that is cognitively responsible. Traditional learning by exposure, memory and recall. Making the information fit into a cognitive system. (showing)	Standards - This is the logic of the organization. Rules, regs, policies, laws, trained practices. These govern and control the organization. Learned cognitively by members.	Supervised - The "brain" of the organization is held accountable to the standards through monitoring, discipline, training, consistency etc. The "brain" that substandard performance fits.	“Did they KNOW what to do?” When considering cause and effect regarding failures, this question is first. If they didn't "KNOW" what to do, it indicates an organizational failure in training or supervision.
Psychomotor Domain - The ability to apply information to action. Skills, muscle memory. Athletes, firearms, door closing, playing a musical instrument. Requires a cognitive base first and then physical practice.	Body - Developing the cognitive or physical capability to perform. Practice based. The body must be "fit" and trained to perform. (Skills)	Tasks - The actual doing of the things defined in Standards. Resources applied to performance. Actual outfitting and equipping to meet the Standards. "Fit" to perform. Staffed and trained.	Managed - The "body" of the organization is its collective resources. Management requires appropriate deployment, training, equipping to be utilized. The body is kept "fit" and "fed" this way.	“COULD they do what was required?” This question is second. If they couldn't perform the organization impeded success. A failure in management. (Ex: Trying to solve a training problem with equipment).
Affective Domain - The point at which other learning becomes "effective". The learner is convinced and believes the principles/beliefs are important enough to follow through. There is a commitment to act on the information.	Heart - This is man's essence. Not what he knows or even what he can do, but what he "believes". This is a change of mind & conviction. Motivation and desire. (Attitudes)	Values - The actual belief structure of the organization. Not what is said, but what is done. Cultural realities. Service and sacrifice or self-serving and protective. Established practices rather than policies.	Lead - The "heart" of an organization is addressed with courageous leadership. The noble principles of trust, hope, grace, challenge, correction, sacrifice, and service cannot be supervised or managed.	“Was it a CHOICE not to do?” The last question. If they knew what to do and there was no impediment to doing it, they chose not to do it. Organizational "Heart Trouble". Either an individual failure or a LEADERSHIP failure.

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Role Identification




- First Line Supervisor's Concept
 - Practice Sound Leadership
 - Get the Work Done
 - Enforcer of Policy/Procedures
 - Technical Expert in Law, Policy, Procedures, etc.
 - Expected to Lead by Example
 - Expected to be a Teacher & Mentor
 - Build TRUST .

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Role Identification




- External Expectations
 - Serve the Community
 - Work with the Media
 - Provide Cooperation with Governmental Authority
 - Understand Cultural Issues
 - Humanize and Empathize with Citizens
 - Work to Solve Community Issues and Concerns.

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Role Identification




- Organizational Accountability – Achieving Results
 - Performance Appraisals/Evaluations
 - Inspection of Processes
 - Mentoring and Follow-up
 - Communications Skills/TRUST
 - Maintain Productive Relationships
 - Subordinates, Peers and Superiors.

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Supervisor Competencies



- Goal Oriented
 - Sets specific goals for self and/or work group
 - Seeks to exceed required/expected performance levels
 - Involves employees in setting performance goals
- Bottom-Line Oriented
 - Seeks areas where productivity and/or quality can be improved
 - Cites specific savings achieved in cost, time, and other resources
 - Encourages others to seek areas where quality, productivity and/or costs can be improved.

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Supervisor Competencies


- Communicates And Enforces Standards
 - Establishes clear requirements and performance standards.
 - Clarifies and explains the importance of given requirements and/or performance standards
 - Develops and uses procedures to monitor employee adherence to requirements and/or standards
 - Articulates consequences to employees for failing to meet or maintain requirements or standards
 - Documents critical performance information.

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Supervisor Competencies

- Takes Initiative
 - Actively seeks opportunities to solve problems
 - Improves new solutions, systems, or procedures
 - Takes on responsibilities beyond the day-to-day requirements of the job.



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Supervisor Competencies

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- Demonstrates Strategic Influence
 - Considers and/or employs strategies to influence others (e.g., suggests alternatives, points out benefits, outlines details, intensely prepares)
 - Strongly states/asserts position in order to convince others
 - Communicates the "big picture" or explains "why" when presenting to employees
 - Forms alliances with key people to accomplish objectives.

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Supervisor Competencies

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- Communicates Confidence In People
 - Expresses belief in others' capabilities and/or potential
 - Provides encouragement, and/or special attention to enhance others' confidence and/or capabilities
 - Takes risks based on belief/faith in employees
 - Gives employees opportunities to try new things.

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Supervisor Competencies

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- Displays Interpersonal Sensitivity
 - Responds to others based on understanding of their point of view, interests and/or concerns
 - Observes, interprets, and acts based on non-verbal cues
 - Uses knowledge of employees' interests, strengths, weaknesses, or aptitude when making assignments
 - Demonstrates concern for others personal interests and/or well-being.



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Supervisor Competencies

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- Develops And Coaches Others
 - Provides resources or support to better enable employees to accomplish tasks
 - Gives others specific instruction about how to perform tasks
 - Makes challenging assignments available to employees.
- Gives Performance Feedback
 - Rewards or otherwise acknowledges good performance or performance improvements
 - Directly confronts employees about poor performance
 - Consults or refers to documentation to provide feedback to employees.

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Supervisor Competencies

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- Collaborates and Builds Teams
 - Involves others in decision making and responds to their inputs
 - Promotes collaborative problem solving within/between work groups
 - Keeps others informed
 - Uses a variety of strategies to promote team unity and commitment (e.g., sponsors parties, food spreads, visits from top management)
- Demonstrates Conceptual Skills
 - Systematic problem solving
 - Asks key questions/gathers data to understand problem situations
 - Anticipates likely consequences of different approaches to problems
 - Draws conclusions based on objective data.

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Supervisor Competencies



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- Maintains Concern for Image
 - Actively works to build and maintain credibility
 - Demonstrates concern for personal and/or work group image or reputation
 - Says or does things for a specific and desired impact on personal and/or work group reputation
- Displays Self-confidence
 - Demonstrates confidence in own abilities and decisions (e.g., will take action based on personal convictions even when others hold opposing views)
 - Displays a willingness to be held accountable
 - Takes risks to achieve specific objectives.

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Values, Ethics & Principles





- Values – Fundamental Beliefs
 - Personal, Organizational, Professional and Societal
 - Influenced by Maturity, Experiences, Culture, Leadership etc.
- Ethics – Accepted Rules of Conduct
 - Influenced by Peer Groups and Culture (Ordinary Men – Christopher Browning)
- Principles – Ethical Standards Relied Upon for Decision Making
- Integrity – The Quality or State of Being Fair, Honest, Courageous, Humane
 - The Ability to Maintain One’s Integrity in the Face of Adversity, Fear, Rejection or Temptation. COURAGE.

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Values, Ethics & Principles




- Supervisor’s Role
 - Know and Understand Values Relating to Agency/Profession/Subordinates/Self
 - Being Accountable for Subordinate Culture and Welfare
 - Set the Example (Walk the Walk)
 - Teaching Values as Part of Supervision/Field Training
 - Monitoring and Questioning
 - Correcting and Reinforcing
 - Prioritizing Values in the Organization.

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Factors Affecting Good or Bad Behavior



Your Beliefs don't
Make you a
Better Person
Your Behavior
does.

- Departmental policies
- Peer group influences
- Media
- Dilemma of the ethics taught vs. the ethics observed
- External influences
 - Religious
 - Political
 - Family
 - Cultural
- Personal prejudices and biases.

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Lack of Commitment to Values, Ethics and Principles

- Risks of Lack of Commitment To Ethics
 - Personal integrity suffers
 - Impaired professional image
 - Lose respect of
 - Peers
 - Subordinates
 - Community
 - Superiors
 - Political ramifications
 - Civil and criminal penalties.

He who respects others is respected by them.


Mencius

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Values, Ethics & Principles

- Organizational/Professional Values
 - Develop Collectively – Good or Bad
 - Sensitive to External Influences
 - Subject to Change
 - Strongly Influenced by Leadership
 - What is our "MANTRA"? (Not What the Manual says...But What We DO)
 - CULTURE
 - Affected by Internal and External Pressures, Personal Biases and Prejudices
 - Must be Constantly Addressed and Reinforced.




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Values, Ethics & Principles

- Law Enforcement Code of Ethics
- Oath of Office
- Codes of Conduct (Agency Specific)
- Standards of Ethical Policing (Power & Restraint - Feldberg & Cohen)
 - Fair Access, Public Trust, Safety and Security, Teamwork, Objectivity
- Procedural Justice
 - Citizen Voice, Neutrality, Dignity/Respect, Trust.

POWER and RESTRAINT
The Moral Dimension of Police Work
Howard S. Cohen and Michael Feldberg





51

52 **Values, Ethics & Principles** 

- Supervisor's Role
 - Reinforce and Reward Good Behaviors
 - Intervene and Correct Bad Behaviors
 - Fairness and Consistency in Assessments/Corrections/Discipline
 - Personal and Courageous Commitment
 - Focus on the Nobility of Policing...A Sacred Trust
 - MOST IMPORTANT QUALITY IN POLICE OFFICERS (We Don't Hire Good Cops, We Hire Good People and Teach Them to be Good Cops).


52

53 **Values, Ethics & Principles** 



- Tests for Guidance
 - Common Sense – Does the Act Make Sense?
 - Publicity – How Will the Act Play in The Public?
 - One's Best Self – Does the Act Illustrate the Best of Ourselves?
 - Admired Individuals – What Would Those You Admire Think?
 - Benefit/Harm to Others – Would The Act Benefit Others?
 - Foresight – What is the Long-Term Consequence of the Act?
 - Opportunity – Do it Right, Do it Right Now.

53

54 **Courage** 

"The great dividing line between words and results was courageous action."


"...humility is the true measure of a warrior's strength."

Eric Greitens, The Heart and The Fist

54

55

Courage




***“Those who are here
unfaithfully do incredible
damage.”***

Rumi

55

56

Courage




***“Courage is not merely one of
the virtues, but it is the form of
every virtue at the point of
testing”***

C.S. Lewis

56

57

Values, Ethics & Principles




***“Do all the good you can.
By all the means you can.
In all the ways you can.
At all the times you can.
To all the people you can.
As long as ever you can.”***

-John Wesley

57

58

Communications




“Servant Leadership is a practical philosophy that encourages collaboration, trust, foresight, listening, and the ethical use of power and empowerment.”

Robert Greenleaf

58

59

Communications




- Verbal & Non-Verbal Communications Skills
- Purpose – To Accomplish Accurate Transfer of Information, Absent Emotional Triggers
- Art of Listening – Ability to Listen, Interpret and Understand
- Barriers – Need to Control, Argument, Pride, Marginalizing People
- Ways to Improve:
 - Remember Your Role is Not to Win an Argument
 - Take Time
 - Humanize and Empathize.

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Communications



- Conflict Resolution
- Supervisor Responsibility to Resolve at This Level
- Citizens and Officers Depend on Supervisors to Resolve Complaints
- Be Sensitive to Perspectives of All Involved
- Calm, Sensitive and Understanding Approach Usually De-Escalates
- Empathy (Not Necessarily Sympathy) is Imperative
- Even if You Know the Answer, Take Time to Confirm Before Responding.

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Communications

- Supervisor Capabilities
- Rumor Control
 - Management Expectations to Control Rumors
 - Usually Much More Negative Than Positive in an Organization
 - Sources Should be Investigated and Stopped
 - Supervisors Are in the Best Position Organizationally to Address
- Public Speaking Skills (Not a Natural Ability)
 - Supervisors Frequently Called Upon to Represent the Department
 - Necessary Part of Supervision.



62


63

TASK FOCUSED

Which of these groups do I need to have a successful team?

ASSERTIVE

PASSIVE



All of them!!!!

PEOPLE FOCUSED

63

64

Leadership Styles




- Leadership Myths
 - Leaders are Born, Not Made
 - Leaders Must be Charismatic
 - Leadership is a Rare Skill
 - Leadership is the Responsibility of Only the Top Levels
 - Leaders Must Use Trickery, Manipulation and Control
 - Leadership is a Function of Rank
 - Leadership is Someone Else's Job
 - Good Employees Don't Need Leadership.

64

65

Leadership Styles



Exercise:

List One-Word Characteristics of The Best Boss You Ever Had


Then

List One-Word Characteristics of The Worst Boss You Ever Had

65

66

Leadership Styles



- Leadership Theories
 - Theory X and Y
 - Situational Leadership (Hersey-Blanchard)
 - Servant Leadership (Greenleaf)
 - "Heroic" vs. "Postheroic" (Autocrat vs. Collaborative)
 - The "Great Man" Theory (1800's) – Leaders are Born.

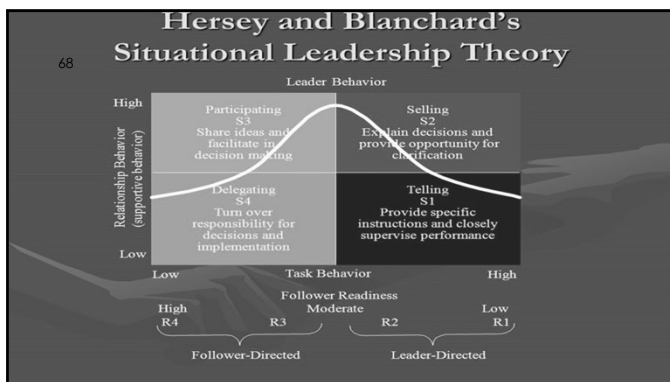
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Leadership Styles

- Leadership Theories
 - "Trait" Leadership (1930's) – Must Have Certain Traits
 - "Behavioral" Leadership (1950's) – Must Behave Certain Ways
 - "Contingency" Leadership (1960's) – Style Adapts with Situations
 - "Transactional" Leadership (1970's) – Values Positive Relationships
 - "Transformational" Leadership (1970's) – Personal Bonds Based on Trust.

67



68


69

Servant Leadership

Servant-Leadership relies upon principle-centeredness, working through people, giving direction and support that serves to help people become healthier, wiser, freer, more autonomous and more likely to be servants themselves.

69

70




Why Do Good Leaders Make You Feel Safe?

TED Talk by Simon Sinek

70


71



Trust is the essence of Leadership.

— Colin Powell —

AZ QUOTES



71

72

Counseling - Appraisals


“Feedback is the breakfast of champions”

- Ken Blanchard

72

73

Counseling - Appraisals




Purposes

- *Judgmental/Measuring* – Supervisor judges and measures the individual's performance in comparison with a performance standard which may reflect any aspect of competence, judgment or performance.
- *Developmental* – Used to correct weaknesses or improve strengths. Development is accomplished through counseling, training or setting objectives for self improvement.

73

74

Counseling - Appraisals




- Goals
 - Change Behavior
 - Maintain a Positive Perspective
 - Encourage Employee to Take Responsibility
 - Encourage Development/Progress
- Preparation
 - Get the Facts and Identify Strategy Before Counselling
 - Get the Employee's Viewpoint/Possible Solution
 - Set a Time for Progress or Solution (WIP, PIP)
 - Be Fair and Deal with Behavior, Not Personality.

74

75

Counseling - Appraisals




- Special Situations (Avoid Triggers and Potential Legal Issues)
 - Anger
 - De-Escalate, Don't Tolerate Explosions, Postpone if Necessary
 - Sexual Component
 - Gender, Work Relationships, Opposite Sex etc.
 - Ethnicity
 - Be Sensitive and Understand Perceptions and Background
 - Age Issues
 - Fitness for Duty, Varying Experience Levels, Credibility.

75

76

Counseling - Appraisals




- Special Situations (Avoid Triggers and Potential Legal Issues)
 - Malcontent
 - Get to the Core Issues, Encourage Understanding
 - Burnout, Withdrawn
 - Set Goals, Appeal to Professionalism
 - Alibis
 - Ownership, Responsibility
 - Manipulators
 - Measurable Behaviors, Stick to Facts
- In All Cases, Be Clear and Concise. Reduce Fear/Anxiety.

76

77

Counseling - Appraisals



- Personal Issues
 - Be Alert to Problems That May Not be Job Related, But Affect the Job
 - Alcohol, Drugs, Marital Concerns, Personal Relationships
 - Performance Problems Can Result – Deal With Those, No Personal Advice Unless Asked (Use Caution)
 - Be Familiar With All Internal and External Resources That Are Available.

77

78

Evaluation Errors

- Inaccuracies or biases that affect the fairness and objectivity of performance assessments
- Can lead to misinterpretations of employee performance
- Will result in unfair treatment, decreased morale, and reduced organizational effectiveness
- Having an established scoring standard will eliminate many of these problems.

78

79

Halo Effect

- Occurs when an evaluator allows one positive trait or characteristic of an employee to overshadow other aspects of performance
- If an employee is highly skilled in one area, the evaluator may unconsciously rate them more positively across all performance dimensions, regardless of their actual performance in those areas
- The impact is that it distorts the accuracy of performance assessments, leading to inflated ratings and potentially overlooking areas needing improvement.

79

80

Leniency/Strictness Bias

- Occurs when an evaluator consistently rates employees higher than warranted, regardless of their actual performance
- Conversely, strictness bias occurs when an evaluator consistently rates employees lower than warranted
- Can result from personal tendencies, such as a desire to avoid conflict, *leniency bias*, or a belief in maintaining high standards, *strictness bias*.
- The impact is they skew performance assessments, making it difficult to differentiate between high and low performers and potentially leading to unfair treatment or demotivation among employees.

80

81

Recency Bias

- Occurs when the evaluator places undue emphasis on recent events or performance, allowing them to disproportionately influence overall assessments
- If an employee has a particularly impressive performance shortly before their evaluation, the evaluator may overvalue this recent performance while disregarding earlier performance indicators
- The impact is that it distorts the accuracy of performance assessments by neglecting the broader context of employee performance over time.

81

82

Similar-to-me Bias

- Occurs when the evaluator unconsciously favors employees who are similar to them in terms of background, personality, or other characteristics
- Can lead to preferential treatment or higher ratings for employees who share commonalities with the evaluator, regardless of their actual performance
- The impact is it undermines the fairness and objectivity of performance assessments, potentially disadvantaging employees who do not fit the evaluator's preferred profile.

82

83

Central Tendency Bias

- Occurs when the evaluator avoids extreme ratings and tends to cluster around the average when assessing employee performance
- May stem from a desire to avoid confrontation, or the belief that most employees are average performers
- The impact is it flattens performance assessments, making it difficult to differentiate between high and low performers and failing to provide meaningful feedback for employee development.

83

84

Comparison or Contrast

- The tendency for raters to assess an employee's performance in relation to others rather than against a set standard or objective criteria
- Can lead to unfair or inaccurate assessments if the performance of others significantly impacts the perception of an individual's performance, rather than evaluating the individual's performance on its own merits.

Common "errors"


- **Strictness**
 - the appraiser is reluctant to ever give high ratings
- **Leniency**
 - the appraiser is reluctant to ever give low ratings
- **Central tendency**
 - the appraiser rates all employees within a narrow range, regardless of differences in actual performance
- **Contrast**
 - the evaluation is based on how the employee compares to other employees, instead of on objective performance standards

84

85

Danger of Evaluation Errors

- Decreased employee morale and motivation
- Unfair treatment
- Potential legal repercussions
- Negative impact on organizational culture and performance.



85

86

Strategies for Preventing Errors


- Training evaluators on bias awareness and evaluation techniques
- Standardizing evaluation criteria and processes across departments
- Encouraging multiple sources of feedback, including self-assessment and peer evaluations
- Implementing calibration sessions to ensure consistency among evaluators
- Leadership must promote a culture of fairness and transparency in evaluations.

86

87

Liability & Civil Rights


- Civil vs. Criminal Accountability
- Legal Overview
 - Tort Actions (Texas Tort Claims Act, Civil Practices and Remedies Code)
 - Discrimination (Title VII, ADEA, ADA etc.)
 - Section 180 Local Government Code (180.001, 180.002)
 - Chapter 102 Civil Practices and Remedies Code (102.001, 102.002, 102.006)
 - Federal Civil Rights (Civil – 42 USC 1983; 1988)
 - Federal Civil Rights (Criminal – 18 USC 242; 243; 42 USC 1981)
 - Title VII – Civil Rights Act 1991.



87

88

Liability & Civil Rights




- Discrimination (Age, Gender, Race, Nationality, Disability, Marital Status, Sexual Orientation, Association, Religion, Political Affiliation)
- Harassment (Sexual – Verbal, Physical, Visual, Sexual Favors)
- These May Be By "Hostile Workplace" or "Quid Pro Quo".
- Lawsuit Components (Claim Filed, Summons, Discovery)
 - Intentional
 - Negligent
 - Deliberate Indifference
- Qualified Immunity
- Supervisors Must Be Aware of Patterns of Misconduct.

88

89

Planning and Organizing




Planning: A Method For Organizing and Systematically Approaching a Task so They May be Accomplished Efficiently

Organizing: Arranging and Coordinating Ideas, Plans, Resources and Activities to Successfully Accomplish a Goal.

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90

Planning and Organizing




- Who is Responsible for Planning in Your Agency?
- Why is it Necessary to Plan?
- Why Don't Organizations Do a Better Job in Planning?
- The Planning Process
 - Identify the Need/Problem – Establish Goals/Objectives
 - Collect and Analyze Data
 - Develop Alternatives – Choose the Best
 - Implement the Plan
 - Evaluate and Modify.

90

91

Planning and Organizing




- Decision - Making

See Handout

91

92

Civil Rights & Cultural Diversity



Occupations Code 1701.352(b)(2)(A)

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:


(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

92


93

Civil Rights & Cultural Diversity



- Every Individual is Entitled to Equal Rights and Dignities as a Human Being
- The Right to Be Free Implies the Right to Be Different
- We Must Strive to Understand People Different From Us
- All People Share Common Needs (Social, Health, Employment, Shelter, Food and Positive Self-Image)
- Individuals Should Be Evaluated on Merit/Individual Character
- Must Avoid Stereotyping.


93

94 **Civil Rights & Cultural Diversity** 

Consequences to Insensitivity:

- A Citizen
- A Female Victim
- A Juvenile
- A Peer
- A Subordinate
- A Superior
- An Elected Official
- How is Credibility in Court Affected?


94

95 **Civil Rights & Cultural Diversity** 

How Do We Handle Inappropriate Comments?

- Ignore
- Condone
- Punish
- Express Disapproval, Anger or Outrage
- Physical Violence
- Arrest
- Asking Why the Person Feels it Necessary to Use Such Language
- Leadership Requires Exemplary Behavior, Counseling and Training.

95

96 **Special Investigative Topics** 


Child Abuse and Neglect, Family Violence and Sexual Assault

- It is Critical That Such Investigations Receive Proper Supervisory Support
- These Cases Can Be Lost or Won by Communications and Documentation
- Supervisors Are Responsible For Ensuring Officers Are Up-To-Date on the Law and Need For Successful Prosecution.

96

97

Special Investigative Topics




- 20.02 PC – Unlawful Restraint
- 21.11 PC – Indecency With a Child
- 21.15 PC – Improper Photography or Visual Recording
- 22.041 PC – Abandoning or Endangering a Child
- 25.03 PC – Interference With Child Custody
- 25.071 PC – Violation of Protective Order or Magistrate’s Order.

97

98

Special Investigative Topics




- 38.111 PC – Improper Contact With Victim
- 43.251 PC – Employment Harmful to Children
- CCP 2.27 – Investigation of Certain Reports Alleging Child Abuse
- CCP 38.071 – Testimony of Child Victim
- CCP 17.292 – Magistrate Order for Emergency Protection.

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99

Special Investigative Topics




- OC 1701.352(f) – Training in Documentation on Child Abuse, Family Violence and Sexual Assault – Sex Offender Characteristics (Written Report, Photo and Video Evidence, Victim Statements)
- Texas Law Does Not Require Dual Arrest Even With Mutual Injuries.

99

100

Special Investigative Topics




- OC 1701.253(e) – Instruction in Preventing Dual Arrest When Possible – Determining Predominant Aggressor (Family Violence)
- Massachusetts Domestic Violence L/E Guidelines (Additional Report Explaining Grounds for Dual Arrest, Dual Arrest Discouraged, Attempt to ID the Primary Aggressor, Officers Shall Not Threaten or Suggest Dual Arrest to Discourage Requests for L/E Intervention)
- Predominate Aggressor Factors – Poses the Most Danger, Actual Fear, Amount of Force, Relative Severity of Injuries, Physical Superiority, History, Risk, Self-Defense, Victim Demands, Corroboration (Children), Do the Stories Make Sense?

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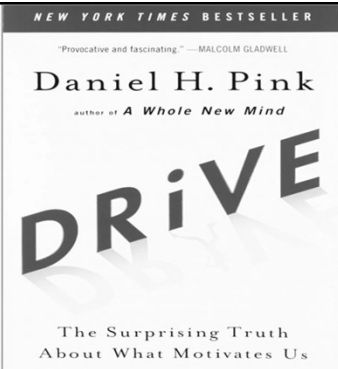

Transition to Supervisor



- Issues Experienced in Transition
- Difference Between Doing the Work and Getting it Done Through Others, Delegation
- Supervising Friends/Former Partners/Persons with more Seniority
- Problem Employees
- Accountability (Self and Others)
- Integrity (Knowing Limits of Authority – Picking Losing Battles)
- No Double Standards
- Knowing Yourself (Strengths and Weaknesses)
- Timely Training/Set the Example/TRUST.

101


102

102

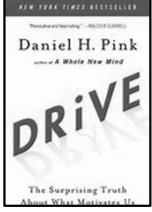
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Motivation



Daniel Pink – “DRIVE”


- Autonomy
- Mastery
- Purpose



103

104

Settling For The Average




- Tolerating the Unacceptable
- Combating Cynicism
- Allowing Negativism

104

105

THE HAPPINESS ADVANTAGE

How a Positive Brain Fuels Success in Work and Life




The International Bestseller That has Changed Millions of Lives

SHAWN ACHOR
New York Times Bestselling Author

105

106

Creating a Positive Organizational Culture



A positive culture is one that emphasizes the following:


- Building on Employee Strengths
- Rewarding More Than Punishing
- Emphasizing Vitality and Growth of the Employee

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Greatest Principles



- Behavior That is Rewarded...is Repeated
- Repeated Behavior = Culture
- The Culture That is Tolerated...is Perpetuated
- Ethical Leadership is the Solution for Both
- Ethical Leadership Must be Modeled
- Modeling Promotes Accountability
- Accountability Changes Behavior.

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108

Final Point




108

Occupations Code References

Sec. 1701.352. CONTINUING EDUCATION PROGRAMS. (a) The commission shall recognize, prepare, or administer continuing education programs for officers and county jailers.

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments;

(C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(D) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition, documentation, and investigation of cases that involve child abuse or neglect, family violence, and sexual assault, including the use of best practices and trauma-informed techniques to effectively recognize, document, and investigate those cases; and

(ii) issues concerning sex offender characteristics.

(c) A course provided under Subsection (b) may use instructional materials developed by the agency or its trainers or by entities having training agreements with the commission in addition to materials included in curricula developed by the commission.

(d) A peace officer who is appointed or will be appointed to the officer's first supervisory position must receive in-service training on supervision as part of the course provided for the officer under Subsection (b) not earlier than the 12th month before the date of that appointment or later than the first anniversary of the date of that appointment.

(e) The commission may require a state, county, special district, or municipal agency that appoints or employs a reserve law enforcement officer, county jailer, or public security officer to provide each of those persons with education and training in civil rights, racial sensitivity, and cultural diversity at least once every 48 months.

(f) Training in documentation of cases required by Subsection (b) shall include instruction in:

(1) making a written account of the extent of injuries sustained by the victim of an alleged offense;

(2) recording by photograph or videotape the area in which an alleged offense occurred and the victim's injuries;

(3) recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made; and

(4) recognizing and recording circumstances indicating that a victim may have been assaulted in the manner described by Section [22.01\(b\)\(2\)\(B\)](#), Penal Code.

(g) The training and education program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments under Subsection (b)(2)(B) may not be provided as an online course. The commission shall:

(1) determine best practices for interacting with persons with mental impairments, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas; and

(2) review the education and training program under Subsection (b)(2)(B) at least once every 24 months.

(h) The commission shall require a state, county, special district, or municipal agency that employs telecommunicators to provide each telecommunicator with 24 hours of crisis communications instruction approved by the commission. The instruction must be provided on or before the first anniversary of the telecommunicator's first day of employment.

(i) A state agency, county, special district, or municipality that appoints or employs a telecommunicator shall provide training to the telecommunicator of not less than 20 hours during each 24-month period of

employment. The training must be approved by the commission and consist of topics selected by the commission and the employing entity.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1157, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 16, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 855 (H.B. [3823](#)), Sec. 8, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 968 (H.B. [1951](#)), Sec. 8, eff. January 1, 2014.

Acts 2015, 84th Leg., R.S., Ch. 418 (H.B. [3211](#)), Sec. 1, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 4.04, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 76 (S.B. [971](#)), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 107 (S.B. [586](#)), Sec. 2, eff. September 1, 2019.

Sec. 1701.353. CONTINUING EDUCATION PROCEDURES. (a) The commission by rule shall adopt procedures to:

(1) ensure the timely and accurate reporting by agencies and persons licensed under this chapter of information related to training programs offered under this subchapter, including procedures for creating training records for license holders; and

(2) provide adequate notice to agencies and license holders of impending noncompliance with the training requirements of this subchapter so that the agencies and license holders may comply within the 24-month period or 48-month period, as appropriate.

(b) The commission shall require agencies to report to the commission in a timely manner the reasons that a license holder is in noncompliance after the agency receives notice by the commission of the license holder's noncompliance. The commission shall, following receipt of an agency's report or on a determination that the agency has failed to report in a timely manner, notify the license holder by certified mail of the reasons the license holder is in noncompliance and that the commission at the request of the license holder will hold a hearing as provided by this subsection if the license holder fails to obtain the required training within 60 days after the date the license holder receives notice under this subsection. The commission shall conduct a hearing consistent with Section [1701.504](#) if the license holder claims that:

(1) mitigating circumstances exist; or

(2) the license holder failed to complete the required training because the license holder's employing agency did not provide an adequate opportunity for the license holder to attend the required training course.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1236 (H.B. [1438](#)), Sec. 2, eff. June 18, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1224 (S.B. [542](#)), Sec. 4, eff. September 1, 2011.

Sec. 1701.354. CONTINUING EDUCATION FOR DEPUTY CONSTABLES. (a) If the commission requires a state, county, special district, or municipal agency that employs a deputy constable to provide the deputy constable with a training program under Section [1701.352](#), the commission shall require the deputy constable to attend at least 20 hours of instruction in civil process.

(b) The commission shall adopt rules and procedures concerning a civil process course, including rules providing for:

(1) approval of course content and standards; and

(2) issuance of course credit.

(c) The commission may waive the instruction requirements for a deputy constable under this section:

(1) if a constable requests a waiver for the deputy constable based on a representation that the deputy constable's duty assignment does not involve civil process responsibilities; or

(2) if the deputy constable requests a waiver because of hardship and the commission determines that a hardship exists.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 735 (H.B. [2574](#)), Sec. 1, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. 954 (H.B. [1588](#)), Sec. 3, eff. June 18, 2005.

Reenacted by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. [3167](#)), Sec. 12.001, eff. September 1, 2007.

Sec. 1701.3545. INITIAL TRAINING AND CONTINUING EDUCATION FOR CONSTABLES. (a) A public institution of higher education selected by the commission shall establish and offer a program of initial

training and a program of continuing education for constables. The curriculum for each program must relate to law enforcement management. The institution selected under this subsection shall develop the curriculum for the programs. The curriculum must be approved by the commission.

(b) Each constable must complete at least 40 hours of continuing education provided by the selected institution under Subsection (a) each 48-month period. The commission by rule shall establish a uniform 48-month continuing education training period.

(b-1) In addition to the requirements of Subsection (b), during each 48-month continuing education training period each constable must complete at least 20 hours of continuing education instruction on civil process to be provided by a public institution of higher education selected by the commission under this subsection. The commission shall establish minimum curriculum requirements for the continuing education course on civil process required by this subsection. The commission may waive the continuing education requirements of this subsection if:

- (1) a constable requests a waiver because of hardship; and
- (2) the commission determines that a hardship exists.

(c) An individual appointed or elected to that individual's first position as constable must complete at least 40 hours of initial training for new constables in accordance with Subsections (d) and (e).

(d) A newly appointed or elected constable shall complete the initial training program for new constables not later than the second anniversary of that individual's appointment or election as constable. The initial training program for new constables is in addition to the initial training required by this chapter. The commission by rule shall establish that the first continuing education training period for an individual under Subsection (b) begins on the first day of the first uniform continuing education training period that follows the date the individual completed the initial training program.

(e) The institution selected under Subsection (a) by rule may provide for the waiver of:

(1) all or part of the required 40 hours of initial training for new constables to the extent the new constable has satisfactorily completed equivalent training during the 24 months preceding the individual's appointment or election; or

(2) the continuing education requirements of Subsection (b) for an individual who has satisfactorily completed equivalent continuing education during the preceding 24 months.

(f) An individual who is subject to the continuing education requirements of Subsections (b) and (b-1) is exempt from other continuing education requirements under this subchapter.

(g) The commission shall establish procedures to annually determine the status of the peace officer license of each elected constable and to ensure that constables comply with this section. The commission shall forward to the attorney general's office documentation for each constable who does not comply with this section. A constable who does not comply with this section forfeits the office and the attorney general shall institute a quo warranto proceeding under Chapter 66, Civil Practice and Remedies Code, to remove the constable from office.

(h) To the extent of a conflict between this section and any other law, this section controls.

Added by Acts 2005, 79th Leg., Ch. 954 (H.B. [1588](#)), Sec. 2, eff. June 18, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 622 (H.B. [487](#)), Sec. 1, eff. June 15, 2007.

Acts 2019, 86th Leg., R.S., Ch. 177 (H.B. [1415](#)), Sec. 1, eff. September 1, 2019.

Sec. 1701.355. CONTINUING DEMONSTRATION OF WEAPONS PROFICIENCY. (a) An agency that employs one or more peace officers shall designate a firearms proficiency officer and require each peace officer the agency employs to demonstrate weapons proficiency to the firearms proficiency officer at least annually. The agency shall maintain records of the weapons proficiency of the agency's peace officers.

(a-1) An agency that employs one or more county jailers who have been issued a certificate of firearms proficiency under Section [1701.2561](#) shall designate a firearms proficiency officer and require the jailers to demonstrate weapons proficiency to the firearms proficiency officer at least annually. The agency shall maintain records of the weapons proficiency of the agency's jailers. A county jailer's failure to demonstrate weapons proficiency does not affect the county jailer's license under this chapter.

(b) On request, the commission may waive the requirement that a peace officer or county jailer demonstrate weapons proficiency on a determination by the commission that the requirement causes a hardship.

(c) The commission by rule shall define weapons proficiency for purposes of this section.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 222 (S.B. [1303](#)), Sec. 1, eff. September 1, 2009. Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 18, eff. September 1, 2009. Acts 2019, 86th Leg., R.S., Ch. 1234 (H.B. [1552](#)), Sec. 2, eff. September 1, 2019. Acts 2019, 86th Leg., R.S., Ch. 1368 (H.B. [3503](#)), Sec. 2, eff. June 15, 2019.

Commission Rules

RULE §211.27

Reporting Responsibilities of Individuals

- (a) Within thirty days, a licensee or person meeting the requirements of a licensee shall report to the commission:
- (1) any name change;
 - (2) a permanent mailing address other than an agency address;
 - (3) all subsequent address changes;
 - (4) an arrest, charge, or indictment for a criminal offense above the grade of Class C misdemeanor, or for any Class C misdemeanor involving the duties and responsibilities of office or family violence, including the name of the arresting agency, the style, court, and cause number of the charge or indictment, if any;
 - (5) the final disposition of the criminal action; and
 - (6) receipt of a dishonorable or other discharge based on misconduct which bars future military service.
- (b) The effective date of this section is February 1, 2014.

RULE §211.29

Responsibilities of Agency Chief Administrators

- (a) An agency chief administrator is responsible for making any and all reports and submitting any and all documents required of that agency by the commission.
- (b) An individual who is appointed or elected to the position of the chief administrator of a law enforcement agency shall notify the Commission of the date of appointment and title, through a form prescribed by the Commission within 30 days of such appointment.
- (c) An agency chief administrator must comply with the appointment and retention requirements under Texas Occupations Code, Chapter 1701.
- (d) An agency chief administrator must report to the commission within 30 days, any change in the agency's name, physical location, mailing address, electronic mail address, or telephone number.
- (e) An agency chief administrator must report, in a standard format, incident-based data compiled in accordance with Texas Occupations Code §1701.164.
- (f) Line of duty deaths shall be reported to the commission in current peace officers' memorial reporting formats.
- (g) An agency chief administrator has an obligation to determine that all appointees are able to safely and effectively perform the essential job functions. An agency chief administrator may require a fit for duty review upon identifying factors that indicate an appointee may no longer be able to perform job-related functions safely and effectively. These factors should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical or psychological condition or impairment.
- (h) An agency must provide training on employment issues identified in Texas Occupations Code §1701.402 and field training.
- (i) An agency must provide continuing education training required in Texas Occupations Code §1701.351 and §1701.352.
- (j) Before an agency appoints any licensee to a position requiring a commission license it shall complete the reporting requirements of Texas Occupations Code §1701.451.
- (k) An agency appointing a person who does not hold a commission license must file an application for the appropriate license with the commission.
- (l) An agency must notify the commission electronically following the requirements of Texas Occupations Code §1701.452, when a person under appointment with that agency resigns or is terminated.
- (m) An agency chief administrator must comply with orders from the commission regarding the correction of a report of resignation/termination or request a hearing from SOAH.
- (n) An agency shall notify the commission electronically within 30 days, when it receives information that a person under appointment with that agency has been arrested, charged, indicted, or convicted for any offense above a Class C misdemeanor, or for any Class C misdemeanor involving the duties and responsibilities of office or family violence.
- (o) Except in the case of a commission error, an agency that wishes to report a change to any information within commission files about a licensee shall do so in a request to the commission, containing:
- (1) the licensee's name, date of birth, last four digits of the social security number, or PID;

- (2) the requested change; and
- (3) the reason for the change.
- (p) An agency chief administrator may not appoint an applicant subject to pending administrative action based on:
 - (1) enrollment or licensure ineligibility; or
 - (2) statutory suspension or revocation.
- (q) The effective date of this section is February 1, 2016.

RULE §218.3

Legislatively Required Continuing Education for Licensees

- (a) Each licensee shall complete the legislatively mandated continuing education in this chapter. Each appointing agency shall allow the licensee the opportunity to complete the legislatively mandated continuing education in this chapter. This section does not limit the number or hours of continuing education an agency may provide.
- (b) Each training unit (2 years).
 - (1) Peace officers shall complete at least 40 hours of continuing education, to include the corresponding legislative update for that unit.
 - (2) Telecommunicators shall complete at least 20 hours of continuing education.
- (c) Each training cycle (4 years).
 - (1) Peace officers who have not yet reached intermediate proficiency certification shall complete: Cultural Diversity (3939), Special Investigative Topics (3232), Crisis Intervention (3843) and De-escalation (1849).
 - (2) Individuals licensed as reserve law enforcement officers, jailers, or public security officers shall complete Cultural Diversity (3939), unless the person has completed or is otherwise exempted from legislatively required training under another commission license or certificate.
- (d) Assignment specific training.
 - (1) Police chiefs: individuals appointed as "chief" or "police chief" of a police department shall complete:
 - (A) For an individual appointed to that individual's first position as chief, the initial training program for new chiefs provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as chief; and
 - (B) At least 40 hours of continuing education for chiefs each 24-month unit, as provided by the Bill Blackwood Law Enforcement Management Institute.
 - (2) Constables: elected or appointed constables shall complete:
 - (A) For an individual appointed or elected to that individual's first position as constable, the initial training program for new constables provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as constable.
 - (B) Each 48 month cycle, at least 40 hours of continuing education for constables, as provided by the Bill Blackwood Law Enforcement Management Institute and a 20 hour course of training in civil process to be provided by a public institution of higher education selected by the Commission.
 - (3) Deputy constables: each deputy constable shall complete a 20 hour course of training in civil process each training cycle. The commission may waive the requirement for this training if the constable, in the format required by TCOLE, requests exemption due to the deputy constable not engaging in civil process as part of their assigned duties.
 - (4) New supervisors: each peace officer assigned to their first position as a supervisor must complete new supervisor training within one year prior to or one year after appointment as a supervisor.
 - (5) School-based Law Enforcement Officers: School district peace officers and school resource officers providing law enforcement services at a school district must obtain a school-based law enforcement proficiency certificate within 180 days of the officer's commission or placement in the district or campus of the district.
 - (6) Eyewitness Identification Officers: peace officers performing the function of eyewitness identification must first complete the Eyewitness Identification training (3286).
 - (7) Courtroom Security Officers/Persons: any person appointed to perform courtroom security functions at any level shall complete the Courtroom Security course (10999) within 1 year of appointment.
 - (8) Body-Worn Cameras: peace officers and other persons meeting the requirements of Occupations Code 1701.656 must first complete Body-Worn Camera training (8158).
 - (9) Officers Carrying Epinephrine Auto-injectors: peace officers meeting the requirements of Occupations Code 1701.702 must first complete epinephrine auto-injector training.
 - (10) Jailer Firearm Certification: jailers carrying a firearm as part of their assigned duties must first obtain the

Jailer Firearms certificate before carrying a firearm.

(11) University Peace Officers, Trauma-Informed Investigation Training: each university or college peace officer shall complete an approved course on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking.

(e) Miscellaneous training.

(1) Human Trafficking: every peace officer first licensed on or after January 1, 2011, must complete Human Trafficking (3270), within 2 years of being licensed.

(2) Canine Encounters: every peace officer first licensed on or after January 1, 2016, must take Canine Encounters (4065), within 2 years of being licensed.

(3) Deaf and Hard of Hearing Drivers: every peace officer licensed on or after March 1, 2016, must complete Deaf and Hard of Hearing Drivers (7887) within 2 years of being licensed.

(4) Civilian Interaction Training: every peace officer licensed before January 1, 2018, must complete Civilian Interaction Training Program (CITP) within 2 years. All other peace officers must complete the course within 2 years of being licensed.

(5) Crisis Intervention Training: every peace officer licensed on or after April 1, 2018, must complete the 40 hour Crisis Intervention Training within 2 years of being licensed.

(6) Mental Health for Jailers: all county jailers must complete Mental Health for Jailers not later than August 31, 2021.

(f) The Commission may choose to accept an equivalent course for any of the courses listed in this chapter, provided the equivalent course is evaluated by commission staff and found to meet or exceed the minimum curriculum requirements of the legislatively mandated course.

(g) The commission shall provide adequate notice to agencies and licensees of impending non-compliance with the legislatively required continuing education.

(h) The chief administrator of an agency that has licensees who are in non-compliance shall, within 30 days of receipt of notice of non-compliance, submit a report to the commission explaining the reasons for such non-compliance.

(i) Licensees shall complete the legislatively mandated continuing education in the first complete training unit, as required, or first complete training cycle, as required, after being licensed.

(j) All peace officers must meet all continuing education requirements except where exempt by law.

(k) The effective date of this section is February 1, 2020.

RULE §219.11

Reactivation of a License

(a) The commission will place all licenses in an inactive status at the end of the most recent training unit or cycle in which the licensee:

(1) was not appointed at the end of the unit or cycle; and

(2) did not meet continuing education requirements.

(b) The holder of an inactive license is unlicensed for all purposes.

(c) This section includes any permanent peace officer qualification certificate with an effective date before September 1, 1981.

(d) The requirements to reactivate a license for a peace officer with less than 10 years of full-time service are:

(1) If less than two years from last appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements; and

(C) make application and submit any required fee(s) in the format currently prescribed by the commission.

(2) If two years but less than five years from last appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course;

(C) make application and submit any required fee(s); and

(D) pass the licensing exam.

(3) If more than five years but less than ten years from last appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer

training course and a skills assessment course;

- (C) make application and submit any required fee(s); and
- (D) pass the licensing exam.

(4) Ten years or more from last appointment:

- (A) meet current enrollment standards;
- (B) meet current licensing standards;
- (C) successfully complete the applicable basic licensing course;
- (D) make application and submit any required fee(s); and
- (E) pass the licensing exam.

(e) The requirements to reactivate a license for a peace officer with 10 years but less than 15 years of full-time service are:

(1) If less than two years from last appointment:

- (A) meet current licensing standards;
- (B) successfully complete continuing education requirements; and
- (C) make application and submit any required fee(s) in the format currently prescribed by the commission.

(2) If two years but less than five years from last appointment:

- (A) meet current licensing standards;
- (B) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course;

(C) make application and submit any required fee(s); and

(D) pass the reactivation exam.

(3) If more than five years from last appointment:

- (A) meet current licensing standards;
- (B) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course and a skills assessment course;

(C) make application and submit any required fee(s); and

(D) pass the reactivation exam.

(f) Unless exempted by Texas Occupations Code Section 1701.356, the requirements to reactivate a license for an honorably retired peace officer are:

- (1) meet current licensing standards;
- (2) meet current continuing education requirements; and
- (3) make application and submit any required fee(s).

(g) School marshal licenses are subject to the reactivation and renewal procedures related to school marshals under Chapter 227 of this title.

(h) The requirements to reactivate a jailer or telecommunicator license are:

(1) If less than two years from last appointment:

- (A) meet current licensing standards;
- (B) successfully complete continuing education requirements; and
- (C) make application and submit any required fee(s) in the format currently prescribed by the commission.

(2) If two years but less than five years from last appointment:

- (A) meet current licensing standards;
- (B) successfully complete continuing education requirements,
- (C) make application and submit any required fee(s); and
- (D) pass the licensing exam.

(3) If more than five years from last appointment:

- (A) meet current licensing standards;
- (B) successfully complete the applicable basic licensing course;
- (C) make application and submit any required fee(s); and
- (D) pass the licensing exam.

(i) The effective date of this section is February 1, 2020.

(a) The commission shall issue achievement awards to qualified peace officers, reserve law enforcement officers, jailers, or telecommunications licensed by the commission and, hereinafter, will be referred to as the nominees. A nominee for the achievement award must meet the following criteria:

(1) must have maintained, on a continuous basis, an average job performance during the individual's employment or appointment;

(2) must have exhibited relevant characteristics of the following:

(A) valor - an act of personal heroism or bravery which exceeds the normal expectations of job performance, such as placing one's own life in jeopardy to save another person's life, prevent serious bodily injury to another, or prevent the consequences of a criminal act;

(B) public service - when an individual, through initiative, creates or participates in a program or system which has a significant positive impact on the general population of a community which would exceed the normal expectations of job performance; or

(C) professional achievement - when an individual, through personal initiative, fixity of purpose, persistence, or endeavor, creates a program or system which has a significant positive impact on the law enforcement profession which would exceed the normal expectations of job performance;

(3) must have held a license at the time the qualifying act was performed;

(4) shall not ever have had a license suspended, revoked, cancelled, or voluntarily surrendered; and

(5) must not be in violation of Occupations Code, Chapter 1701 or rules of the commission.

(b) The nominations/recommendations for the achievement awards shall be filed as follows:

(1) received by the commission on or before December 31st of each year;

(2) must have been submitted by one of the following:

(A) an elected official of the state;

(B) an elected official of a political subdivision;

(C) an administrator of a law enforcement agency; or

(D) any person holding a current license issued by the commission; and

(3) shall be supported by acceptable evidence of the nominee's qualifications for the award. Such evidence may consist of evaluations, police reports, newspaper clippings, eyewitness accounts, or other valid, confirmable evidence, consisting of certified copies of documents and sworn affidavits.

(c) A committee shall be appointed by the executive director for the purpose of reviewing recommendations. Upon completion of the review, the committee will forward to the executive director nominees for consideration. The executive director will provide a list to the commissioners who will then make the final determination of who merits awards at a regularly scheduled meeting.

(d) The effective date of this section is February 1, 2014.

Bloom's Taxonomies Adapted to Organizations (Gentry)

Domains of Learning → Analogy to the Human → Analogy to the Org. → Applied to Org. System → Accountability Measures

<p>Cognitive Domain – This is the learning of rote information. Memory. Being able to recite and intellectually manipulate information. Math, law, etc. Informational Principles as backdrop for other learning.</p>	<p>Brain – This is the part of the human that is cognitively responsible. Traditional learning by exposure, memory and recall. Making the information fit into a cognitive system. <i>(Knowledge)</i></p>	<p>Standards - This is the logic of the organization. Rules, regs, policies, laws, trained practices. These govern and control the organization. Learned cognitively by members.</p>	<p>Supervised – The “brain” of the organization is held accountable to the standards though monitoring, discipline, training, consistency etc. The “wall” that substandard performance hits.</p>	<p>“Did they KNOW what to do?” When considering cause and effect regarding failures, this question is first. If they didn’t “KNOW” what to do, it indicates an organizational failure in training or supervision.</p>
<p>Psychomotor Domain – The ability to apply information to action. Skills, muscle memory. Athletics, firearms, door clearing, playing a musical instrument. Requires a cognitive base first and then physical practice.</p>	<p>Body – Developing the dexterity or physical capability to perform. Practice based. The body must be “fit” and trained to perform. <i>(Skills)</i></p>	<p>Tasks – The actual doing of the things defined in Standards. Resources applied to performance. Actual outfitting and equipping to meet the Standards. “Fit” to perform. Staffed and trained.</p>	<p>Managed – The “body” of the organization is its collective resources. Management requires appropriate deployment, training, equipment be utilized. The body is kept “fit” and “fed” this way.</p>	<p>“COULD they do what was required?” This question is second. If they couldn’t perform the organization impeded success. A failure in management. (Ex. Trying to solve a training problem with equipment).</p>
<p>Affective Domain – The point at which other learning becomes “affective”. The learner is convinced and believes the principles/tasks are important enough to follow through. There is a commitment to act on the information.</p>	<p>Heart – This is man’s essence. Not what he knows or even what he can do, but what he “believes”. This is a change of mind, a conviction. Motivation and desire. <i>(Abilities)</i></p>	<p>Values – The actual belief structure of the organization. Not what is said, but what is done. Cultural realities. Service and sacrifice or self-serving and protective. Established practices rather than policies.</p>	<p>Led – The “heart” of an organization is addressed with courageous leadership. The noble principles of trust, hope, love, challenge, correction, sacrifice, and service cannot be supervised or managed.</p>	<p>“Was it a CHOICE not to do?” The last question. If they knew what to do and there was no impediment to doing it, they chose not to do it. Organizational “Heart Trouble”. Either an individual failure or a LEADERSHIP failure.</p>

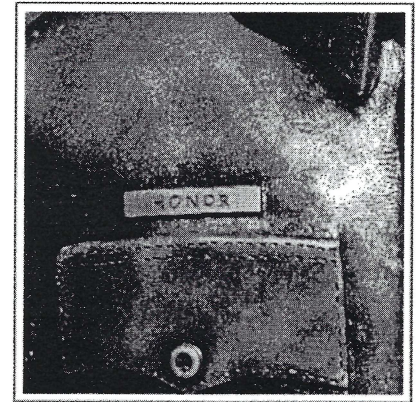
Strategic Thinking and the “Good Decision”

Think, Then Act...

“For me, this is a familiar image - people in the organization ready and willing to do good work, wanting to contribute their ideas, ready to take responsibility, and leaders holding them back, insisting that they wait for decisions or instructions”.

Margaret J. Wheatley

1. Effective leaders strive for the highest level of understanding of the issues that confront them. To attempt to find the simple answer to a complex problem usually causes an ineffective response and a bunch of unintended consequences.
 2. Although we don't want to ever seem indecisive, hasty decisions lend themselves to failure because we don't always understand the depth of the issue so an effective decision or strategy is one based on the best understanding of the problem possible.
 3. Effective leaders strive for sound decisions rather than clever ones. Gadget plays don't work well in leadership because they tend to be short term in their effect and seem arbitrary to the observer.
 4. Effective leaders and strategists resist the impulse to react to the anecdotal cases. Bad policy comes from reacting to relatively rare, isolated incidents and ignoring the empirical evidence that defines the actual reality. So, it is useful to attempt to classify the issue as to whether it is generic or an exceptional or unique concern.
 5. An effective leader somehow manages to identify the boundaries of an issue. Find the available solutions will satisfy the need while not bleeding too much outside the boundaries and thereby minimizing the ripple effects and avoiding unintended consequences.
 6. Effective leaders also know that the most difficult part of making a decision is not the actual decision but the implementation of it. If you say a thing, and then don't follow up and measure progress you run the risk of invalidating the decision through inaction. Remember, people don't do what is EXPECTED, they do what is INSPECTED.
 7. Assessment of the decision or strategy is an absolute requirement. Decision makers must monitor the impact of their decisions and be willing to change strategies if they find the effort was ineffective. That works against our policy driven philosophies where we might think once a directive is given the problem is solved. A decision without follow up and assessment is just an “Intention” and not a strategy.
-



“Inability to make decisions is one of the principal reasons executives fail. Deficiency in decision-making ranks much higher than lack of specific knowledge or technical know-how as an indicator of leadership failure.”

John C. Maxwell

“Success is not final, failure is not fatal: it is the courage to continue that counts”.

Winston Churchill

“America was not built on fear. America was built on courage, on imagination and an unbeatable determination to do the job at hand”.

Harry S. Truman

Decision Checklist

1. Is it Right? It should be asked as a matter of course in most everything we do.
2. Does it answer the essential question? If not, you'll end up revisiting it over and over again.
3. Does it conform to Department policy and procedures? If not, it will not stand.
4. Will it create additional problems or unintended consequences?
5. Are the stakeholders on board as much as possible and reasonable? To avoid any backfires.
6. What are the negatives and can they be mitigated? To get ahead of these things greases the wheels a little better.
7. Do we have the ability with personnel and equipment to implement the decision? If not it will never work.
8. What are the training or equipment impacts? Are we prepared for implementation along those lines?
9. Are we working hard to solve a problem that will solve itself in time? If you don't want something to burn, then don't light a fire. We've got plenty to do without making unnecessary work.
10. Is it flexible enough to accommodate tweaking or adjustments as the issue continues to develop?
11. What is the cost (\$ or otherwise) of failing to implement the solution? Paralysis just inflames the issue.
12. Are there outside instabilities or factors that could invalidate the solution? Will the community or government overseers resist the effort? If so, groundwork may be necessary.
13. Will the decision weaken other established processes that would counter any gains with peripheral losses? We don't want to lose more than we gain.
14. Does the decision infringe on other aspects of the organization or negatively impact them?
15. Are there other worthwhile options that are being ignored or discounted? Is there a less complicated solution?
16. How will we measure success and in what timeline do we expect the success?

Nine Steps Of Positive Counseling

1. BEFORE YOU TALK TO THE SUBORDINATE CLARIFY YOUR CONCERN(S):
 - What is the behavior that you are concerned about?
 - Do you have a right to be involved?
 - Is your concern timely?
 - How important is this issue?
2. MEET WITH THE EMPLOYEE:
 - Establish a positive and reasonably relaxed encounter.
 - Do not arouse defensiveness in the employee.
 - Use non-verbal skills to set tone.
3. STATE YOUR CONCERN DIRECTLY:
 - Be DESCRIPTIVE not judgmental.
 - Don't place blame.
 - Don't lose your self control.
 - Stay low key.
 - Focus on the employee's behavior not your ideas about the behavior.
 - Don't anticipate causes.
 - Don't try to solve the problem (it's too early to do that).
4. LISTEN ACTIVELY TO EMPLOYEE'S SIDE:
 - Use non-verbal and verbal listening skills
 - Verbal skills include: open questions, paraphrases, echoes, and perception checks.
5. SUMMARIZE ALL ISSUES:
 - Both of you should agree on WHAT the issues are at this point.
 - There may still be a conflict or a dilemma but you should both be clear on what it is at this point.
6. WORK ON SOLUTIONS:
 - Get as much employee involvement as you can in the process of solving the problem.
 - Reality test tentative solutions.
 - Encourage the employee to think through different alternatives if necessary.
7. FORM AN IMPLIED CONTRACT WITH THE EMPLOYEE:
 - Pin down what has been agreed to.
 - If necessary, clarify possible consequences of not sticking with the contract.
 - Don't make threats toward the employee.
8. REWARD THE EMPLOYEE'S WORK:
 - Support the work done by the employee.
 - Encourage the open and positive approach to problem solving. This will help the employee generalize this attitude to other situations.
9. FOLLOW UP:
 - Employees need to know that just talking about the issue is not enough.
 - You will hold them accountable for actually changing their behavior.
 - Let the employee know when and how you will follow-up.



Texas Police Chiefs Association Foundation

Leadership Case Study

Ernest Shackleton

“He didn’t care if he went without a shirt on his own back, so long as the men he was leading had sufficient clothing. He was a wonderful man in that way; you thought the party mattered more than anything else”

- Lionel Greenstreet, 1st Officer, Endurance



EXPLORERS >>>

NEXT



Ernest H. Shackleton

PAGE II

The Trans-Antarctic Expedition 1914-1917

In Shackleton's own words, "After the conquest of the South Pole by Amundsen who, by a narrow margin of days only, was in advance of the British Expedition under Scott, there remained but one great main object of Antarctic journeyings—the crossing of the South Polar continent from sea to sea".

When Shackleton returned from the *Nimrod* Expedition, on which an attempt was made to plant the British flag on the South Pole, attention was turned towards the crossing of the continent as Shackleton felt certain that either Amundsen or Scott would succeed where he had failed, just 97 miles from his goal.

Shackleton felt that the first crossing of the Antarctic Continent, from sea to sea via the Pole, apart from its historic value, would be a journey of great scientific importance. The distance would be roughly 1800 miles, and the first half of this, from the Weddell Sea to the Pole, would be over unexplored territory. Shackleton intended on taking continuous magnetic observations as the glaciologist and geologist studied ice formations and the mountains of Victoria Land. While the Trans-continental party worked its way across the continent, other scientific parties would operate from the base on the Weddell Sea. One sledging party would travel towards Graham Land, making observations and collecting geological specimens while another party would travel eastward toward Enderby Land conducting the same types of studies. A third party would remain at the base to study the fauna of the land and sea and the meteorological conditions. From the Ross Sea base in McMurdo Sound, another party would push southward to await the arrival of the Trans-continental party at the top of the Beardmore Glacier. Two ships were required for the expedition. The *Endurance* would be used to transport the Trans-continental party to the Weddell Sea and would afterwards explore the shores of the coastline. She was constructed at Sandefjord by the famous Norwegian builder, Christensen. She was barquentine rigged and had triple-expansion engines which

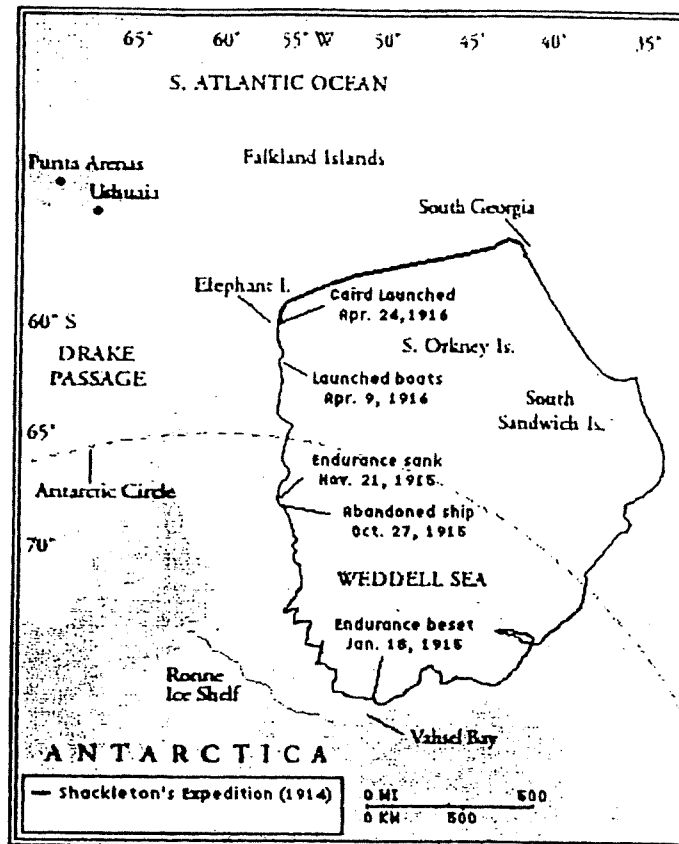
gave her a speed under steam of 9 to 10 knots. Some 350 tons, she was built of selected pine, oak and greenheart. Fully equipped, she cost the Expedition £14,000. *Aurora*, the ship used to take out the Ross Sea Party, was purchased from Douglas Mawson. She was very similar to the *Terra Nova* of Scott's expedition.

Preparations were started in the middle of 1913 but no public announcement was made until January 13, 1914. After the announcement, Shackleton was flooded with applications from eager members of the community to join the adventure. Nearly 5,000 applications were received from which 56 men were picked. In March, the promised financial help fell through so Shackleton immediately set about appealing for help. The funds were raised to complete the purchases with the largest contributors being the late Sir James Caird (£24,000), the British Government (£10,000) and the Royal Geographical Society (£1,000). Most of the Public Schools of England and Scotland helped the Expedition to purchase the dog teams--each dog was named after a school that contributed. The *Aurora* was purchased and Mackintosh was sent to Australia to take charge of her.

In this chapter, you will read of the most incredible, in my opinion, adventure of this era. What makes it even more remarkable is the fact that all men from the Trans-continental party made it back alive. Unfortunately, the same can not be said for the Ross Sea Party, whose story will be told in the next chapter.

The *Endurance* Expedition

The Transcontinental Party



Towards the end of July all was ready when suddenly the war clouds darkened over Europe. Arrangements had been made for the *Endurance* to proceed to Cowes to be inspected by His Majesty on the Monday of Cowes week. But on the Friday before, Shackleton received a message saying the King would not be able to go. They sailed from London on Friday, August 1, 1914, and anchored off Southend all Saturday. On Sunday afternoon Shackleton took the ship off Margate and on Monday morning Shackleton went ashore and read in the morning paper the order for general mobilization. Shackleton immediately returned to the ship, gathered all hands, and told them of his intention to telegram the Admiralty offering the ships, stores and services to the country in the event of war breaking out. It was requested that in the declaration of war, the Expedition would be considered a single unit as there were enough trained men among them to man a destroyer. Within an hour after sending the telegram, Shackleton received a wire from the Admiralty saying "Proceed". Within two hours, another arrived from Winston Churchill in which he thanked them for their offer but desired that the Expedition go on. The *Endurance* sailed on to Plymouth and on Tuesday the King sent for Shackleton and handed him the Union Jack to carry on the Expedition. That night, at midnight, war broke out. On the following Saturday, August 8, the *Endurance* sailed from Plymouth.

The voyage out to Buenos Aires was uneventful and on October 26 they sailed

from that port for South Georgia. For a month, final preparations were made for the assault. According to many, the war would be over within six months so when it came time to leave for the south, they left with no regrets.

The Leader



Shackleton wrote, "I had decided to leave South Georgia about December 5, and in intervals of final preparation scanned again the plans for the voyage to winter quarters. What welcome was the Weddell Sea preparing for us? The whaling captains at South Georgia were generously ready to share with me their knowledge of the waters in which they pursued their trade, and, while confirming earlier information as to the extreme severity of the ice conditions in this sector of the Antarctic, they were able to give advice that was worth attention...I knew that the ice had come far north that season, and, after listening to the suggestions of the whaling captains, had decided to steer to the South Sandwich Group, round Ultima Thule, and work as far to the eastward as the fifteenth meridian west longitude before pushing south. The whalers emphasized the difficulty of getting through the ice in the neighborhood of the South Sandwich Group. They told me they had often seen the floes come right up to the Group in the summertime, and they thought the Expedition would have to push through heavy pack in order to reach the Weddell Sea. Probably the best time to get into the Weddell Sea would be the end of February or the beginning of March. The whalers had gone right round the South Sandwich Group and they were familiar with the conditions. The predictions they made had induced me to take the deck-load of coal, for if we had to fight our way through to Coats' Land we would need every ton of fuel the ship could carry. I hoped that by first moving to the east as far as the fifteenth meridian west we would be able to go south through looser ice, pick up Coats' Land and finally reach Vahsel Bay, where Filchner made his attempt at landing in 1912. Two considerations were occupying my mind at this juncture. I was anxious for certain reasons to winter the *Endurance* in the Weddell Sea, but the difficulty of finding a safe harbor might be very great. If no safe harbor could be found, the ship must winter at South Georgia. It seemed to me hopeless now to think of making the journey across the continent in the first summer, as the season was far advanced and the ice conditions were likely to prove unfavorable. In view of the possibility of wintering the ship in the ice, we took extra clothing from the stores at the various stations in South Georgia". The day of departure arrived. The order was given to heave anchor at 8:45 a.m. on December 5, 1914 and the last link with civilization was broken. The morning was dull and overcast, with occasional gusts of snow and sleet. The long days of preparation were over and the adventure lay ahead.

The *Endurance* left under steam and sail to the southeast. The course was laid to clear them of the coastline of South Georgia and then south of South Thule, Sandwich Group. On December 6, they passed two bergs, several growlers and numerous lumps of ice. Fifteen miles north of Sanders Island, the *Endurance* was confronted by a belt of heavy pack-ice, half a mile broad extending north and south. The noon latitude had been 57°26'S which left Shackleton uneasy finding pack-ice so far north. This first encounter was only a portent of things to come. The situation became dangerous that night as they pushed into the pack in the hope of reaching open water beyond. Unfortunately, they found themselves after dark in a pool which grew smaller and smaller. The ice ground against the ship in a heavy swell as

Shackleton and Worsley remained on deck all night in an attempt to dodge the pack. It was early in the morning before the *Endurance* was able to get clear. They went east to find better ice and five hours later succeeded in rounding the pack. Sails were once again set. Shackleton wrote of the ice, "As the pack gets closer the congested areas grow larger and the parts are jammed harder until it becomes 'closer pack'...where the parts do not fit closely there is, of course, open water, which freezes over in a few hours after giving off volumes of 'frost smoke'. In obedience to renewed pressure this young ice 'rafts', thus forming double thicknesses of a toffee-like consistency...the opposing edges of heavy floes rear up in slow and almost silent conflict till high 'hedgerows' are formed round each part of the puzzle...All through the winter the drifting pack changes—grows by freezing, thickens by rafting and corrugates by pressure".

By early January they had shifted only a few miles further south. Frustration of the crewmembers was relieved on January 5 as a football game was played on the ice. Everyone was having fun until the ship's captain, Frank Worsley, fell through rotten ice and had to be rescued. Another perceived problem was the killer whales. Spotting a seal, the creatures would dive to great depths and then smash through the ice, seizing the seal in its mouth. The expedition found a hole 25 feet in diameter that had been created by a killer whale. As photographer Frank Hurley took a dog team over the thin ice, he would hear whales blowing behind him. He would quickly dash for solid, thick ice with "No need to shout 'mush' and swing the lash. The whip of terror had cracked over their heads and they flew before it. The whales behind...broke through the thin ice as though it were tissue paper, and, I fancy, were so staggered by the strange sight that met their eyes, that for a moment they hesitated. Had they gone ahead and attacked us in front, our chances of escape would have been slim indeed...Never in my life have I looked upon more loathsome creatures".



By the 19th of January, the *Endurance* was solidly frozen in. Their position was 76°34'S, longitude, 31°30'W. A sounding was taken which found them in 312 fathoms, finding mud, sand and pebbles. "Icebergs hang upside down in the sky; the land appears as layers of silvery or golden cloud. Cloud-banks look like land, icebergs masquerade as islands...". The ship was now drifting southwest with the floes. The ship's rudder became dangerously jammed on the 21st from the heavy ice which had to be cut away with ice-chisels constructed from heavy pieces of iron with 6-foot wooden handles.



Just before midnight on January 24, a crack developed in the ice some five yards wide and a mile long, only fifty yards ahead of the ship. The crack widened to a quarter of a mile by 10 a.m. on the 25th, and for three hours Shackleton tried to force the ship into the opening with engines at full speed ahead and all sails set. The only result was a clearing of the ice from the rudder. Later in the day, Crean and two other men were chipping away at a large chunk of ice that had lodged under the ship when suddenly the ice broke away, shooting upward and overturning, pinning Crean between the ice and the handle of an 11-foot iron pincher. He only suffered from some bad bruises but the thick iron bar fared worse..it had

been bent against him to an angle of 45°.

The days that followed were uneventful. On the 27th, Shackleton decided to put the fires out. They had been burning coal at the rate of a half a ton each day in order to keep steam in the boilers. With only 67 tons remaining, representing 33 day's steaming, no more could be afforded as they remained stuck in the ice. Land was sighted to the east and south when the horizon was clear. By the 31st, the ship had drifted eight miles to the west. James and Hudson rigged the wireless in the hope of hearing the monthly transmission from the Falkland Islands. Nothing was heard. The sun, which had been above the horizon for two months, set at midnight on February 17th. On the 22nd the *Endurance* reached the farthest south point of her drift, touching the 77th parallel of latitude in longitude 35°W. The summer was gone. Temperatures fell to -10°F at 2 a.m. on February 22. Shackleton wrote, "I could not doubt now that the *Endurance* was confined for the winter...The seals were disappearing and the birds were leaving us. The land showed still in fair weather on the distant horizon, but it was beyond our reach now, and regrets for havens that lay behind us were vain. We must wait for the spring, which may bring us better fortune. If I had guessed a month ago that the ice would grip us here, I would have established our base at one of the landing places at the great glacier. But there seemed no reason to anticipate then that the fates would prove unkind...My chief anxiety is the drift. Where will the vagrant winds and currents carry the ship during the long winter months that are ahead of us? We will go west, no doubt, but how far? And will it be possible to break out of the pack early in the spring and reach Vahsel Bay or some other suitable landing-place? These are momentous questions for us". On February 24 ship routine ceased...the *Endurance* became the winter quarters.

The "Ritz", as they called their new winter quarters, was firmly caught between gigantic floes which could crush her easily. Shackleton ordered the sides of the ship cleared so that nothing would prevent her from rising above the ice as it pressed in against her sides. The men continued to take out their frustrations on the ice as football and hockey games were regularly played. On May 1 they said good-bye to the sun and the 70-day Antarctic winter night began. Oddly, on May 8 the sun rose at 11 a.m. and set 40 minutes later, rose again at 1:10 p.m. and set 10 minutes later. The navigation officer, who had announced its final disappearance a week earlier, had to explain to his jeering friends that it was not a mistake, it was a refraction of 2° more than normal. They celebrated Empire Day, May 24, singing patriotic songs. On June 15 Frank Wild, second-in-command, started his favorite team of dogs (a 6 to 4 favorite) in the first ever Antarctic Derby. With five teams competing, Wild's team, pulling 910 pounds, or 130 pounds per dog, covered the 700-yard race with a winning time of 2 minutes and 16 seconds. All 28 men had a bet and winnings were paid in chocolate and cigarettes.

A bi-weekly performance, cleaning the Ritz



Beautiful sunrise glows on the horizon came early in July. At midnight on the 11th, the temperature was -23°F. The most severe blizzard experienced to date in the the Weddell Sea swept down upon them on the evening of the 13th. By morning, the kennels to the windward side of the ship were buried under five feet of

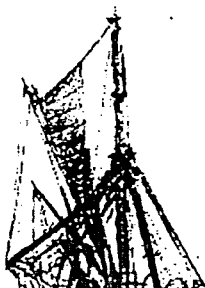
snow. By evening, the wind reached 70 miles per hour and the ship trembled under the attack. At least a 100 tons of snow piled up against the bow and port sides. Pressure from the ice increasingly became a cause for concern. Distant rumblings and the appearance of formidable ice ridges gradually approached the ship. Shackleton wrote, "The ice is rafting up to a height of 10 or 15 ft. in places, the opposing floes are moving against one another at the rate of about 200 yds. per hour. The noise resembles the roar of heavy, distant surf. Standing on the stirring ice one can imagine it is disturbed by the breathing and tossing of a mighty giant below". By the middle of September they were running out of fresh meat for the dogs. The seals and penguins had disappeared altogether and it had been nearly five months since a seal had been killed. The men got an Emperor penguin on the 23rd. On the following day Wild, Hurley, Macklin and Mclroy took their teams to the Stained Berg, about seven miles west of the ship, and on their way back got a female crab-eater, which they killed and skinned. They climbed the berg and at an elevation of 110 feet could see no land. By the end of September, the roar of the pressure grew louder with areas of disturbance rapidly approaching the ship.

The beginning of the end



Sunday, October 23rd, marked the beginning of the end. Their position was 69°11'S, longitude 51°5'W. At 6:45 p.m. the ship sustained heavy pressure in a dangerous position. The *Endurance* groaned as her starboard quarter was forced against the floe, twisting the stem-post and buckling the planking. She immediately began to leak. The bilge pumps were started at 8 p.m. and by morning the leak was being kept in check. Then came Wednesday, October 27. Shackleton wrote, "The position was lat. 69°5'S, long. 51°30'W. The temperature was -8.5° Fahr., a gentle southerly breeze was blowing and the sun shone in a clear sky. 'After long months of ceaseless anxiety and strain, after times when hope beat high and times when the outlook was black indeed, we have been compelled to abandon the ship, which is crushed beyond all hope of ever being righted, we are alive and well, and we have stores and equipment for the task that lies before us. The task is to reach land with all the members of the Expedition. It is hard to write what I feel". She had drifted for at least 1186 miles and were 346 miles from Paulet Island, the nearest point where there was any possibility of finding food and shelter. A small hut was built there by Otto Nordenskjöld's Swedish expedition in 1902 and was filled with stores left by an Argentine relief ship. Shackleton knew of these stores because he was the person who purchased the stores in London on behalf of the Argentine Government.

The End



Shackleton ordered the boats, gear, provisions and sledges lowered to the floe. The *Endurance* had been locked in the ice for 281 days. The 28 men pitched five tents 100 yards from the ship but were forced to move when a pressure ridge started to split the ice beneath them. "Ocean Camp" was established on a thick, heavy floe about a mile and a half from the wreck. On November 21, 1915, the *Endurance* raised its stern and slipped beneath the ice, coming to rest at

the bottom of the Weddell Sea. The ice was rotting around them so on December 20, Shackleton decided to abandon Ocean Camp and march westward to reduce the distance to Paulet Island. Christmas was celebrated on December 22 with their last good meal for eight months. Two of the boats were now man-hauled, in relays, from Ocean Camp: the *James Caird* and *Dudley Docker*, with the *Stancomb Wills* being left behind. If their ice floe disintegrated, the 28 men would jam into the two boats, each measuring 20 feet in length, to be at the mercy of the Weddell Sea. On December 29, with the ice too cracked to carry them, they set up camp on a solid floe, but it cracked during the night as well. They shifted to a strong, old floe, surrounded by ice too soft to sledge over, but with not enough open water to launch the boats. Adrift on their new "home", they crossed the Antarctic Circle on New Year's Eve. Shackleton wrote, "Thus, after a year's incessant battle with the ice, we had returned...to almost the same latitude we had left with such high hopes and aspirations twelve months previously; but under what different conditions now! Our ship crushed and lost and we ourselves drifting on a piece of ice at the mercy of the winds". Meanwhile, Wild returned to Ocean Camp to retrieve the *Stancomb Wills*.

The ice disintegrated to the point where they were forced into the boats on April 9. The floe split directly beneath them and two hours later the channels opened wide enough for them to throw their stores aboard the boats and cast off for a three-mile stretch of open water a short distance away. The *Dudley Docker* got caught between two ice floes but the *James Caird* was able to pull her free. By evening they had retreated to a new floe and once again hauled up the boats, pitched tents and lit the blubber stove.

The next day the boats were pushed into the water and by 11 a.m. they had reached a stretch of open water. On April 12, Shackleton discovered that instead of making good progress to the west, they had actually drifted 30 miles to the east. Elephant Island, in the South Shetlands, appeared to them in the north-northwest. A gale suddenly came up and separated the *Dudley Docker* from the others. She made for a narrow rocky beach and to their delight, the others were soon sighted making for the same area. Shackleton, in the *Stancomb Wills*, was the first to land. When all were ashore, the men were running around the beach as if they'd just discovered a keg of rum...they simply were ecstatic from touching land for the first time in 16 months.

Landing at Elephant Island



They knew they couldn't camp here for long so Wild, Marsten, Crean, Vincent and McCarthy left the next morning in the *Stancomb Wills* to locate a safe camping area. By nightfall, the men still had not returned which, once again, brought much anxiety to Shackleton and the others. At 8 p.m. they heard a hail in the distance. They couldn't see anything at first but out of the darkness like a ghost came the boat and men. They had located a nice, sandy spit about 7 miles west of them. After a lengthy struggle, the new camp was set up at the spit which they named *Cape Wild*...it was April 17, 1916. Shackleton wrote, "As we clustered round the blubber stove, with the acrid smoke blowing in our faces, we were quite a cheerful company...Life was not so bad. We ate our evening meal while the snow drifted down from the surface of the glacier and our chilled

bodies grew warm". At 2 a.m. Shackleton felt a wave come up under his tent so they quickly relocated to a group of high rocks at the end of the spit. For the next week, Shackleton planned his dangerous voyage to South Georgia, 800 miles distant. As the question remained concerning their rescue, the whaling station on South Georgia seemed the only answer. The ocean south of Cape Horn in the middle of May was known to be the most storm-swept area of water in the world. The men would have to face these conditions in a small, open boat for an anticipated month's voyage to South Georgia. Although Wild wanted to go, Shackleton refused as he wanted Wild to hold the party together on Elephant Island until the rescue. If by spring they hadn't returned, Wild was to lead the men to Deception Island. On Easter Monday, April 24, the men launched the *Stancomb Wills* and loaded her with stores, gear and ballast which would be transferred to the *James Caird* when the heavier boat was launched. The ballast consisted of bags made from blankets and filled with sand. Some 250 pounds of ice was gathered to supply fresh drinking water. As for instruments, they had a sextant, aneroid, prismatic compass, anchor, some charts and a pair of binoculars. As the *James Caird* was launched, the swell suddenly increased causing many to get soaked to the waist...a serious matter in that climate. When the *James Caird* was afloat in the surf, she nearly capsized before the men could steer her clear of the rocks as Vincent and the carpenter were tossed into the water. This was terrible luck as it would be very difficult to get their clothes dried once underway. But soon they were free from the heavy surf and rocks. The *Stancomb Wills* came alongside, transferred her load, and headed back to the shore for the next load. This time she had to be beached and, as a consequence, the sea lapped right up over the stern. The boat had to be overturned to dump the water out before she could be reloaded...all were soaked to the skin. By midday, the *James Caird* was ready for the voyage. The crew of the *Stancomb Wills* shook hands with those in the *James Caird*, exchanging their last good wishes as the boats bumped together and then the *James Caird* out loose, setting the jib for the northeast. Shackleton, along with Worsley, Crean, McNeish, McCarthy and Vincent, began a voyage of a lifetime.

The departure was celebrated on Elephant Island with a two-week blizzard. Wild decided to make a hut from the two remaining boats and scraps of old tent fabric. Parallel stone walls were erected to support the boats which were laid side by side. Tent fabric and sail material was stretched over the upturned hulls to keep the rain and snow out while tent canvas was used for the walls. A blubber stove was set up and the second engineer, A. Kerr, made a tin chimney out of biscuit case linings. Celluloid windows were constructed with panes from a photograph case. Water was always a problem. As the temperature rose to just above freezing, drainage was nearly nonexistent within the structure...one day they bailed out 160 gallons of water. Midwinter's Day was celebrated on June 22 with a drink made from hot water, ginger, sugar and a teaspoon of methylated spirits. At Saturday night concerts, Hussey would play his banjo as the men sang vulgar songs about each other. By the beginning of August, food was starting to become in short supply. They dug up old seal bones and stewed them in sea water along with seaweed, which they found "very tasty". The last of the methylated spirits was drunk on August 12 and from that date forward their toasting was done with hot water and ginger. The surgeons, McIlroy and Macklin, amputated the frostbitten toes of Blackborrow's feet by the light of the blubber stove.

Meanwhile, the *James Caird* was making 3 mph between the icebergs. Worsley imagined structures and creatures etched into the mighty bergs as he described, "Swans of weird shape pecked at our planks, a gondola steered by a giraffe ran foul of us, which much amused a duck sitting on a crocodile's head. Just then a bear, leaning over the top of a mosque, nearly clawed our sail...All the strange, fantastic shapes rose and fell in stately cadence with a rustling, whispering sound and hollow echoes to the thudding seas...". They were making a fairly good distance each day...some 60 to 70 miles. But the going was very rough. The sleeping bags became soaked making it increasingly difficult to find warmth. The boulders taken aboard for ballast had to be shifted continually in order to trim the boat and give access to the pump, which became clogged with hairs from the moulting sleeping bags and finneskoe. The four reindeer sleeping bags shed their hair freely from the constant dampness and soon became quite bald. Their legs were chafed by the wet clothing, which had not been changed for seven months. The insides of their thighs had been rubbed raw with seawater increasing the pain. Meals were regular in spite of the stormy weather. Breakfast, at 8 a.m., consisted of a pannikin of hot hoosh made from Bovril sledging rations, two biscuits and some lumps of sugar. Lunch, at 1 p.m., was more Bovril sledging rations, eaten raw, and a pannikin of hot milk. Tea, at 5 p.m., had the same menu. They had 6½ gallons of fuel for the oil lamp which complemented their supply of candles. On the fourth day out, a severe storm hit them. During the afternoon they spotted small bits of wreckage, the remains probably from some unfortunate vessel that had failed to weather the storm. The next day the storm was so fierce that they had to put out the sea anchor in order to keep her heading into the sea, take in the double-reefed mainsail and hoist the small jib instead. A thousand different times it appeared the small boat would capsize but she lived on. The southwesterly gale was born above the Antarctic continent and with it came temperatures near zero. The sea spray froze on the boat, coating everything with a heavy layer of ice. The boat became so heavy that the men were forced to use what tools they had to continually chip away the ice as it froze. By the next day the weight of the ice became a serious problem as she became more like a log than a boat. The situation called for immediate action. They first broke away the spare oars, which were encased in ice and frozen to the sides of the boat, and threw them overboard. Two of the fur sleeping bags went overboard...they weighed a good 40 pounds each since they were so wet and besides, they were frozen stiff as a board. About 11 a.m. the boat fell into a trough, losing the sea anchor in the process. They had no choice but to set sail and trust that it would hold. They beat the canvas until the bulk of the ice had cracked off and, fortunately, it worked as the little boat came up to the wind again. Frostbite became a serious problem as large blisters developed on exposed fingers and hands. By the dawn of the seventh day, the wind had subsided. Once again the course was laid for South Georgia...it had been six days since an observation had been made. The sun came out and the men hung their sleeping bags to the mast and spread their socks and other gear all over the deck. The ice began to melt away as porpoises came blowing alongside the boat. Cape Pigeons and an occasional Stormy Petrel swooped within a few feet of the tiny craft. Wild "snapped" the sun and determined they had gone over 380 miles and were nearly half-way to South Georgia. The eighth, ninth and tenth days of the voyage had little to report. On the eleventh day (May 5), a tremendous cross-sea developed and at midnight, while Shackleton was at the tiller, a line of clear sky was spotted between the south and southwest. Shackleton wrote, "I called to the other men that the sky was clearing, and then a moment later I realized that what I had

seen was not a rift in the clouds but the white crest of an enormous wave. During twenty-six years' experience of the ocean in all its moods I had not encountered a wave so gigantic. It was a mighty upheaval of the ocean, a thing quite apart from the big white-capped seas that had been our tireless enemies for many days. I shouted 'For God's sake, hold on! It's got us.' Then came a moment of suspense that seemed drawn out into hours. White surged the foam of the breaking sea around us. We felt our boat lifted and flung forward like a cork in breaking surf. We were in a seething chaos of tortured water; but somehow the boat lived through it, half full of water, sagging to the dead weight and shuddering under the blow. We baled with the energy of men fighting for life, flinging the water over the sides with every receptacle that came to our hands, and after ten minutes of uncertainty we felt the boat renew her life beneath us". The cooking stove was floating around in the bottom of the boat and portions of their last hoosh seemed to soak everything. It was 3 a.m. before the stove was finally functional again. The next day, May 6, Worsley determined that they were not more than a hundred miles from the northwest corner of South Georgia...two more days of favorable wind would put the island within sight. Thirst took possession of them. Their mouths were dry and tongues were swollen. On the morning of May 8, about 10 o'clock, a little bit of kelp was passed. An hour later two birds were seen sitting on a big mass of kelp and at 12:30 p.m., McCarthy caught a glimpse of the black cliffs of South Georgia, just fourteen days after departing Elephant Island.

Landing at South Georgia



They looked for a landing place but the presence of blind rollers proved the existence of uncharted reefs along the coast. Here and there were rocks close to the surface and over them great waves broke spouting thirty to forty feet in the air. The rocky coast seemed to descend sheer to the sea. Night was drawing near and despite their craving thirst for water, there was no choice but to wait until the following morning to make shore. At 5 a.m. the wind shifted to the northwest and increased to one of the worst hurricanes ever experienced by Shackleton. The little boat was tossed around in the raging sea and when dawn appeared, no land was in sight. At 1 p.m. land was once again sighted but sheer cliffs with roaring breakers was all that awaited them. Evening approached and suddenly, when disaster seemed imminent, the wind shifted and the small boat was once again free to locate a safer landing place. The night wore on and as dawn arrived on the morning of May 10, there was practically no wind. They sighted an indentation which they thought was King Haakon Bay. Shackleton decided this would be their landing place as the bow was set towards the bay. Soon angry reefs were on both sides with great glaciers reaching the sea. About noon they sighted a smooth stretch of water that reached the head of the bay. A gap in the reef appeared and they made for the opening but suddenly the wind shifted and blew straight against them right out of the bay. That afternoon, after tacking five times into the strong wind, they made it through the small entrance into the wide mouth of the bay. A small cove, guarded by a reef, made a break in the cliffs on the south side of the bay and they turned in that direction. The entrance was so small that they had to take in the oars but in the gathering darkness, the *James Caird* ran on a swell and touched the beach. At 2 a.m. on the first night ashore, Shackleton woke everyone, shouting, "Look out boys, look out! Hold on! It's going to break on us!" It was a nightmare...Shackleton thought

the black snow-crested cliff opposite them was a giant wave.

Unfortunately, the men were 17 miles from the Stromness whaling station: a journey over South Georgia's mountains and glaciers awaited them, an effort no one had ever accomplished. McNeish and Vincent were too weak to attempt the trek so Shackleton left them in the care of MaCarthy. On May 15, Shackleton, Crean and Worsley set out on their adventure. They climbed over icy slopes, snowfields and glaciers until reaching an altitude of 4500 feet. Looking back they could see a fog rolling up behind them. The ridge was studded with peaks and since they had no sleeping bags or tent with them, it was imperative they find a lower elevation before night set in. They managed to descend 900 feet in two or three minutes by sliding, like children, down a snowy slope. The country to the east was an ascending snow upland dividing the glaciers of the north coast from those of the south. Another meal was had at 6 p.m.; Crean was the cook as Shackleton and Worsley broke the wind from the cooker. Night was upon them and for an hour they plodded along in nearly complete darkness. About 8 p.m. a full moon appeared from behind jagged peaks, lighting their pathway. By midnight they were once again at an elevation of about 4000 feet. After 1 a.m., the Primus was started again and the men ate hot food which renewed their energy. By 1:30 a.m. they were on their feet again, still heading towards Stromness Bay. A dark object in the distance looked like Mutton Island, which lies off Huvik. Their high hopes were soon shattered as crevasses warned them that they were on another glacier...Shackleton knew there was no glacier in Stromness and realized it must be Fortuna Glacier. Back they turned and tramped up the glacier again. At 5 a.m. they were at the foot of the rocky spurs of the range. The men were exhausted as they sat down, under the lee of a rock, and wrapped their arms around each other to keep themselves warm. Within a minute, Worsley and Crean were asleep but Shackleton realized that it would be "disastrous if we all slumbered together, for sleep under such conditions merges into death". After five minutes rest, Shackleton woke them up, told them they had slept half an hour, and gave the command to begin again. They were so stiff that for the first 300 yards they couldn't bend their knees. A jagged line of peaks loomed before them. This was the ridge that separated them from Stromness Bay. They found a gap in the ridge and went through it at 6 a.m. with anxious hearts and weary bodies. The twisted rock formations of Huvik Harbor appeared right ahead in the early light of dawn. While Worsley and Crean started the cooker, Shackleton climbed a ridge above them in order to get a better look at the land below them. At 6:30 a.m. Shackleton thought he heard the sound of a steam whistle calling the men from their beds at the whaling station. Shackleton descended to the others and told them to watch the chronometer for seven o'clock as this would be the time the whalers would be called to work; right to the minute the steam whistle sounded. Never had they heard such a sweeter sound.

Stromness Bay Before Us



"Boys, this snow-slope seems to end in a precipice, but perhaps there is no precipice. If we don't go down we shall have to make a detour of at least five miles before we reach level going. What shall it be?" They both replied at once, "Try the slope". Abandoning the Primus lamp, they plodded downwards,

reducing their altitude to 2000 feet above sea level. At this point they came upon a steep gradient of blue ice. It took two hours to cut and rope their way down another 500 feet. Eventually they got off the steep ice and a slide down a slippery slope, with the cooker going ahead, landed them on a plateau 1500 feet above the sea. A few minutes later they reached a sandy beach. By noon they were well up the slope on the other side of the bay, working east-southeast, with one more ridge between them and Huvik. Shackleton was leading the way over a plateau when suddenly he found himself up to his knees in water, quickly sinking deeper through the snow. They spread-eagled to distribute their weight and soon discovered they were on top of a small lake. After lying still for a few moments, the men got to their feet and delicately walked 200 yards to a rise that indicated the edge of the lake. At 1:30 p.m. they climbed round the final ridge and saw a little whaling boat entering the bay 2500 feet below. They hurried forward and spotted a sailing ship lying at a wharf. Tiny figures could be seen wandering about and then the whaling factory was sighted. The men paused, shook hands and congratulated each other on accomplishing their heroic journey.

The men cautiously started down the slope of the ice-clad mountainside. The only possible pathway seemed to be a stream flowing to the sea below. Down they went through the icy water, wet to their waist, shivering cold and tired. Then their ears heard the unwelcome sound of a waterfall. The stream ended in a waterfall that dropped 30 feet, with impassable ice-cliffs on both sides. They were too tired to look for another way down so they agreed the only way down was through the waterfall itself. They fastened their rope around a rock and slowly lowered Crean, who was the heaviest, into the waterfall. He completely disappeared and came out the bottom gasping for air. Shackleton went next and Worsley, the most nimble member of the party, went last. They had dropped the logbook, adze and cooker before going over the edge and once on solid ground, the items were retrieved, the only items brought out of the Antarctic, "which we had entered a year and a half before with well-found ship, full equipment, and high hopes. We had 'suffered, starved and triumphed, grovelled down yet grasped at glory, grown bigger in the bigness of the whole.' We had seen God in His splendours, heard the text that Nature renders. We had reached the naked soul of man". Shivering with cold, they set off for the whaling station, now just a mile and a half away. They tried to straighten themselves up a little bit before entering the station, but they truly were a sight to behold. Their beards were long, their hair was matted, their clothes, tattered and stained as they were, hadn't been washed in nearly a year. Down they hurried and as they approached the station, two small boys met them. Shackleton asked them where the manager's house was and they didn't answer...instead they turned and ran from them as fast as their legs would carry them. They came to the wharf where the man in charge was asked if Mr. Sorlle (the manager) was in the house.

"Yes," he said as he stared at us.

"We would like to see him," said I.

"Who are you?" he asked.

"We have lost our ship and come over the island," I replied.

"You have come over the island?" he said in a tone of entire disbelief.

The man went towards the manager's house and we followed him. I learned afterwards that he said to Mr. Sorlle: "There are three funny-looking men outside, who say they have come over the island and they know you. I have left them outside." A very necessary precaution from his point of view.

Mr. Sorlie came out to the door and said, "Well?"
 "Don't you know me?" I said.
 "I know your voice," he replied doubtfully. "You're the mate of the *Daisy*."
 "My name is Shackleton," I said.
 Immediately he put out his hand and said, "Come in. Come in."

They washed, shaved and dined on 'coffee and cakes in the Norwegian fashion'. Worsley boarded a whaler headed for Haakon bay while Shackleton prepared plans for the rescue of the men on Elephant Island. The next day Worsley arrived to find the three men waiting under the upturned *James Caird*. They all returned to Stromness Bay and the next morning Shackleton, Worsley and Crean left on the Norwegian whaler *Southern Sky* for Elephant Island. Sixty miles from the island the pack ice forced them to retreat to the Falkland Islands whereupon the Uruguayan Government loaned Shackleton the trawler *Instituto de Pesca* but once again the ice turned them away. They went to Punta Arenas where British and Chilean residents donated £1500 to Shackleton in order to charter the schooner *Emma*. One hundred miles north of Elephant Island the auxiliary engine broke down and thus a fourth attempt would be necessary. The Chilean Government now loaned the steamer *Yelcho*, under the command of Captain Luis Pardo, to Shackleton.

As the steamer approached Elephant Island, the men on the island were approaching lunchtime. It was August 30 when Marston spotted the *Yelcho* in an opening in the mist. He yelled, "Ship O!" but the men thought he was announcing lunch. A few moments later the men inside the "hut" heard him running forward, shouting, "Wild, there's a ship! Hadn't we better light a flare?" As they scrambled for the door, those bringing up the rear tore down the canvas walls. Wild put a hole in their last tin of fuel, soaked clothes in it, walked to the end of the spit and set them afire.



The boat soon approached close enough for Shackleton, who was standing on the bow, to shout to Wild, "Are you all well?". Wild replied, "All safe, all well!" and the Boss replied, "Thank God!" Blackborrow, since he couldn't walk, was carried to a high rock and propped up in his sleeping bag so he could view the scene.

Within an hour they were headed north to the world from which no news had been heard since October, 1914; they had survived on Elephant Island for 105 lonely days.

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Shackleton Quotes

- I chose life over death for myself and my friends... I believe it is in our nature to explore, to reach out into the unknown. The only true failure would be not to explore at all.
- Difficulties are just things to overcome after all.
- By endurance we conquer.
- If you're a leader, a fellow that other fellows look to, you've got to keep going.
- I have often marveled at the thin line which separates success from failure.
- Loneliness is the penalty of leadership, but the man who has to make the decisions is assisted greatly if he feels that there is no uncertainty in the minds of those who follow him, and that his orders will be carried out confidently and in the expectation of success.
- Optimism is true moral courage.
- When things are easy, I hate it.
- I thought you'd rather have a live donkey than a dead lion.
- I do not know what 'moss' stands for in the proverb, but if it stood for useful knowledge... I gathered more moss by rolling than I ever did at school.
- If I had not some strength of will, I would make a first-class drunkard.
- A man must shape himself to a new mark directly the old one goes to ground.
- Superhuman effort isn't worth a damn unless it achieves results.
- Life to me is the greatest of all games. The danger lies in treating it as a trivial game, a game to be taken lightly, and a game in which the rules don't matter much. The rules matter a great deal. The game has to be played fairly or it is no game at all. And even to win the game is not the chief end. The chief end is to win it honorably and splendidly.
- One feels 'the dearth of human words, the roughness of mortal speech' in trying to describe things intangible.

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GOVERNMENT CODE
TITLE 6. PUBLIC OFFICERS AND EMPLOYEES
SUBTITLE A. PROVISIONS GENERALLY APPLICABLE TO PUBLIC OFFICERS AND
EMPLOYEES
CHAPTER 614. PEACE OFFICERS AND FIRE FIGHTERS
SUBCHAPTER A. LEGISLATIVE LEAVE FOR PEACE OFFICER OR FIRE FIGHTER

Sec. 614.001. DEFINITIONS. In this subchapter:

- (1) "Employer" means the governmental entity that employs or appoints a peace officer or fire fighter or that the peace officer or fire fighter is elected to serve.
- (2) "Fire fighter" means a member of a fire department who performs a function listed in Section [143.003](#)(4), Local Government Code, without regard to whether the individual is subject to a civil service system or program.
- (3) "Peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under Article [2.12](#), Code of Criminal Procedure, or other law.

Sec. 614.002. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a peace officer or fire fighter employed by:

- (1) the state;
- (2) a municipality with a population of 50,000 or more; or
- (3) a county with a population of 190,000 or more.

Sec. 614.003. ENTITLEMENT TO LEGISLATIVE LEAVE. A peace officer or fire fighter is entitled as provided by this subchapter to legislative leave to serve in, appear before, or petition a governmental body during a regular or special session of the body.

Sec. 614.004. ELIGIBILITY FOR LEGISLATIVE LEAVE. (a) To be eligible for legislative leave, a peace officer or fire fighter must submit a written application to the individual's employer on or before the 30th day before the date the individual intends to begin the legislative leave.

(b) The application must state the length of the requested leave and that the peace officer or fire fighter is willing to reimburse the employer for any wages, pension, or other costs the employer will incur as a result of the leave.

(c) The length of requested leave may not exceed the length of the session.

Sec. 614.005. MONEY REQUIRED TO OFFSET COSTS OF LEGISLATIVE LEAVE. (a) An employer may require reimbursement of all costs associated with legislative leave under this subchapter.

(b) Within 30 days after the date an employer receives an application, the employer shall notify the peace officer or fire fighter in writing of the actual amount of money required to offset the costs the employer will incur.

(c) An employer may require a peace officer or fire fighter to post the money before granting the leave.

(d) A peace officer or fire fighter shall give to the employer a sworn statement identifying the source of the money posted.

Sec. 614.006. EMPLOYER TO GRANT LEGISLATIVE LEAVE; EXCEPTIONS. An employer shall grant legislative leave to a peace officer or fire fighter who submits an application as prescribed by this subchapter and who complies with any requirement relating to payment of costs:

- (1) except in an emergency; or
- (2) unless granting the leave will result in having an insufficient number of employees to carry out the normal functions of the employer.

Sec. 614.007. INSUFFICIENCY IN NUMBER OF EMPLOYEES; EXCHANGE OF TIME BY OTHER EMPLOYEES. (a) If an employer determines that granting a legislative leave will result in having an insufficient number of employees to carry out the normal functions of the employer, another peace officer or fire fighter of equal rank may volunteer to exchange time of work with the applicant if overtime does not result.

(b) The employer shall allow a volunteer under Subsection (a) to work for the applicant and shall grant the legislative leave, if overtime will not result and if the volunteer work will result in having a sufficient number of employees.

Sec. 614.008. LEGISLATIVE LEAVE NOT A BREAK IN SERVICE. Legislative leave under this subchapter is not a break in service for any purpose and is treated as any other paid leave, except as provided by Section [614.005](#).

Sec. 614.009. LEGISLATIVE LEAVE TO ATTEND SESSION OF CONGRESS. Legislative leave granted under this subchapter to a peace officer or fire fighter to attend a session of the Congress of the United States shall be granted for not longer than 30 percent of the applicant's total annual working days during each year in which leave is requested.

Sec. 614.010. EMPLOYEES' ASSOCIATION MAY NOT REIMBURSE CERTAIN COSTS. A peace officers' or fire fighters' association may not reimburse a member of the legislature or an employer of a peace officer or fire fighter who serves as a member of the legislature for wages, pension contributions, or other costs incurred as a result of legislative leave taken under this subchapter.

SUBCHAPTER B. COMPLAINT AGAINST LAW ENFORCEMENT OFFICER OR FIRE FIGHTER

Sec. 614.021. APPLICABILITY OF SUBCHAPTER. (a) Except as provided by Subsection (b), this subchapter applies only to a complaint against:

- (1) a law enforcement officer of the State of Texas, including an officer of the Department of Public Safety or of the Texas Alcoholic Beverage Commission;
- (2) a fire fighter who is employed by this state or a political subdivision of this state;
- (3) a peace officer under Article [2.12](#), Code of Criminal Procedure, or other law who is appointed or employed by a political subdivision of this state; or
- (4) a detention officer or county jailer who is appointed or employed by a political subdivision of this state.

(b) This subchapter does not apply to a peace officer or fire fighter appointed or employed by a political subdivision that is covered by a meet and confer or collective bargaining agreement under Chapter [143](#) or [174](#), Local Government Code, if that agreement includes provisions relating to the investigation of, and disciplinary action resulting from, a complaint against a peace officer or fire fighter, as applicable.

Sec. 614.022. COMPLAINT TO BE IN WRITING AND SIGNED BY COMPLAINANT. To be considered by the head of a state agency or by the head of a fire department or local law enforcement agency, the complaint must be:

- (1) in writing; and
- (2) signed by the person making the complaint.

Sec. 614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR EMPLOYEE. (a) A copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state shall be given to the officer or employee within a reasonable time after the complaint is filed.

(b) Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.

(c) In addition to the requirement of Subsection (b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:

- (1) the complaint is investigated; and
- (2) there is evidence to prove the allegation of misconduct.

SUBCHAPTER C. PROHIBITION AGAINST COLLECTING DEBT FOR ANOTHER

Sec. 614.041. COLLECTING DEBT FOR ANOTHER; OFFENSE. (a) A peace officer commits an offense if the officer:

- (1) accepts for collection or undertakes the collection of a claim for debt for another, unless the officer acts under a law that prescribes the duties of the officer; or
- (2) accepts compensation not prescribed by law for accepting for collection or undertaking the collection of a claim for debt for another.

(b) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$200 or more than \$500.

(c) In addition to the fine, the peace officer may be removed from office.

SUBCHAPTER D. PURCHASE OF FIREARM OF HONORABLY RETIRED OR DECEASED PEACE OFFICER

Sec. 614.0505. DEFINITION. In this subchapter, "governmental entity" means a state agency, a county, a municipality, or a joint board for which the constituent agencies are populous home-rule municipalities.

Sec. 614.051. PURCHASE OF FIREARM BY HONORABLY RETIRED PEACE OFFICER. (a) An individual may purchase a firearm from a governmental entity if:

- (1) the individual was a peace officer commissioned by the entity;
- (2) the individual was honorably retired from the individual's commission by the entity;
- (3) the firearm had been previously issued to the individual by the entity; and
- (4) the firearm is not a prohibited weapon under Section 46.05, Penal Code.

(b) An individual may purchase only one firearm from a governmental entity under this section.

Sec. 614.052. PURCHASE OF FIREARM BY SURVIVING SPOUSE, CHILD, OR PARENT OF DECEASED PEACE OFFICER. (a) An individual listed under Subsection (b) may purchase a firearm from a governmental entity if:

- (1) the firearm had been previously issued by the entity to a peace officer commissioned by the entity who died while commissioned, without regard to whether the officer died while discharging the officer's official duties; and
- (2) the firearm is not a prohibited weapon under Section 46.05, Penal Code.

(b) Individuals who may purchase the firearm under Subsection (a) are, in order of precedence:

- (1) the surviving spouse of the deceased peace officer;
- (2) a child of the deceased peace officer; and
- (3) a parent of the deceased peace officer.

Sec. 614.053. PURCHASE PRICE OF FIREARM. A governmental entity shall establish the amount, which may not exceed fair market value, for which a firearm may be purchased under this subchapter.

Sec. 614.054. WHEN FIREARM MAY BE PURCHASED; DELAY OF SALE BY GOVERNMENTAL ENTITY. (a) Except as provided by Subsection (b), an individual must purchase a firearm under Section 614.051 before the second anniversary of the date of the person's retirement or under Section 614.052 before the second anniversary of the date of the officer's death.

(b) A governmental entity that cannot immediately replace the firearm may delay the sale of the firearm until the entity can replace the firearm.

SUBCHAPTER E. POLYGRAPH EXAMINATIONS

Sec. 614.061. DEFINITION. In this subchapter, "peace officer" means a person who:

- (1) is elected, appointed, or employed by a governmental entity; and
- (2) is a peace officer under Article 2.12, Code of Criminal Procedure, or other law.

Sec. 614.062. APPLICABILITY OF SUBCHAPTER. This subchapter does not apply to a peace officer to whom Section 411.007 applies.

Sec. 614.063. POLYGRAPH EXAMINATION. (a) A peace officer may not be suspended, discharged, or subjected to any other form of employment discrimination by the organization employing or appointing the peace officer because the peace officer refuses to submit to a polygraph examination as part of an internal investigation regarding the conduct of the peace officer unless:

- (1) the complainant submits to and passes a polygraph examination; or
 - (2) the peace officer is ordered to take an examination under Subsection (d) or (e).
- (b) Subsection (a)(1) does not apply if the complainant is physically or mentally incapable of being polygraphed.
- (c) For the purposes of this section, a person passes a polygraph examination if, in the opinion of the polygraph examiner, no deception is indicated regarding matters critical to the matter under investigation.
- (d) The head of the law enforcement organization that employs or appoints a peace officer may require the peace officer to submit to a polygraph examination under this subsection if:
- (1) the subject matter of the complaint is confined to the internal operations of the organization employing or appointing the peace officer;
 - (2) the complainant is an employee or appointee of the organization employing or appointing the peace officer; and
 - (3) the complaint does not appear to be invalid based on the information available when the polygraph is ordered.
- (e) The head of the law enforcement organization that employs or appoints a peace officer may require the peace officer to submit to a polygraph examination under this subsection if the head of the law enforcement organization considers the circumstances to be extraordinary and the head of the law enforcement organization believes that the integrity of a peace officer or the law enforcement organization is in question. The head of the law enforcement organization shall provide the peace officer with a written explanation of the nature of the extraordinary circumstances and how the integrity of a peace officer or the law enforcement organization is in question.

SUBCHAPTER F. RURAL VOLUNTEER FIRE DEPARTMENT INSURANCE PROGRAM

Sec. 614.071. DEFINITIONS. In this subchapter:

- (1) "Director" means the director of the Texas Forest Service.
- (2) "Fund" means the rural volunteer fire department insurance fund.
- (3) "Partially paid fire department" means a fire department operated by its members that includes:
 - (A) some volunteer members; and
 - (B) not more than 20 paid members.
- (4) "Program" means the rural volunteer fire department insurance program.
- (5) "Service" means the Texas Forest Service, an agency of The Texas A&M University System.
- (6) "Volunteer fire department" means a fire department operated by its members, including a partially paid fire department, that:

- (A) is operated on a not-for-profit basis, including a department exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization in Section 501(c)(3) of that code; and
- (B) participates in a firefighter certification program administered:
 - (i) under Section [419.071](#);
 - (ii) by the State Firemen's and Fire Marshals' Association of Texas; or
 - (iii) by the National Wildfire Coordinating Group.

Sec. 614.072. ADMINISTRATION OF PROGRAM. (a) The Texas Forest Service shall administer the rural volunteer fire department insurance program established under this subchapter.

(b) The director may adopt rules necessary to assist rural volunteer fire departments in the payment of:

- (1) workers' compensation insurance;
- (2) audit costs for workers' compensation claims in any year in which there is an abnormally high number of wildfires; and
- (3) accidental death and disability insurance.

(c) The service may employ staff to administer the program.

(d) The director shall, in consultation with the advisory committee appointed under Section [614.073](#):

(1) determine reasonable criteria and qualifications for the distribution of money from the fund; and

(2) establish a procedure for reporting and processing requests for money from the fund.

(e) In developing the criteria and qualifications for the distribution of money from the fund under Subsection (d), the director may not prohibit a volunteer fire department from receiving funds from a political subdivision.

(f) The director shall prepare an annual written report on the activity, status, and effectiveness of the fund and shall submit the report to the lieutenant governor and the speaker of the house of representatives before September 1 of each year.

(g) Any assistance provided under this subchapter to a volunteer fire department or a firefighter who is a member of a volunteer fire department may not be considered compensation, and a firefighter receiving assistance under this subchapter may not be considered to be in the paid service of any governing body.

(h) Administration costs associated with the program during a state fiscal year may not exceed seven percent of the total deposited to the credit of the fund as required by Section [151.801\(c-2\)](#), Tax Code, during the previous fiscal year.

Sec. 614.073. ADVISORY COMMITTEE. (a) The director shall appoint an advisory committee to advise the director in regard to the administration of the program.

(b) The advisory committee consists of five members with one member appointed from each of the following geographic regions of the state: north, south, east, west, and central.

(c) A member of the advisory committee is entitled to reimbursement of reasonable travel expenses incurred by the member in performing duties as a member of the advisory committee, subject to any applicable limitation on reimbursement provided by general law or the General Appropriations Act. A member may not receive compensation for services.

Sec. 614.074. REQUESTS FOR ASSISTANCE. (a) A request for assistance from the fund shall be submitted to the director.

(b) On receiving a request for assistance, the director shall determine whether to provide assistance and the amount of the assistance to be provided, if any, based on the criteria developed in consultation with the advisory committee under Section [614.072](#). A written copy of the decision shall be sent to the requestor and each member of the advisory committee.

Sec. 614.075. FUND. (a) The rural volunteer fire department insurance fund is an account in the general revenue fund and is composed of money deposited as required by Section [151.801\(c-2\)](#), Tax Code, and contributions to the fund from any other source.
(b) Money in the fund may be used only for a purpose under this subchapter.

SUBCHAPTER G. RURAL VOLUNTEER FIRE DEPARTMENT ASSISTANCE PROGRAM

Sec. 614.101. DEFINITIONS. In this subchapter:

- (1) "Director" means the director of the Texas Forest Service of The Texas A&M University System.
- (2) "Fund" means the volunteer fire department assistance fund.
- (3) "Program" means the Rural Volunteer Fire Department Assistance Program.
- (4) "Service" means the Texas Forest Service of The Texas A&M University System.
- (5) "Part-paid fire department" means a fire department operated by its members, some of whom are volunteers and not more than 20 of whom are paid.
- (6) "Volunteer fire department" means a fire department operated by its members, including a part-paid fire department, that is operated on a not-for-profit basis, including a department that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization in Section 501(c)(3) of that code.

Sec. 614.102. ADMINISTRATION OF PROGRAM. (a) The Texas A&M Forest Service shall administer the program established under this subchapter, and the director may adopt rules necessary to assist volunteer fire departments in paying for equipment, including the replacement or repair of equipment, and training of personnel, including by providing emergency assistance under Section [614.103\(a-1\)](#).

(b) The service may employ staff to administer the program.

(c) The director shall:

(1) determine reasonable criteria and qualifications for the distribution of money from the volunteer fire department assistance fund, including:

(A) the frequency, size, and severity of past wildfires in a volunteer fire department's jurisdiction;

(B) the potential for loss or damage to property resulting from future wildfires in the department's jurisdiction; and

(C) the department's need for emergency assistance under Section [614.103\(a-1\)](#); and

(2) establish a procedure for reporting and processing requests for money from the fund.

(c-1) In determining criteria and qualifications for the distribution of money under Subsection (c), the director shall consider the state's most recent Southern Wildfire Risk Assessment issued by the Southern Group of State Foresters and other applicable information.

(c-2) The service may designate a portion of the fund to be used to assist volunteer fire departments in meeting cost share requirements for federal grants for which the departments qualify. The director shall determine a set of needs-based criteria for determining a department's eligibility to apply for a grant under this subsection. The criteria must include:

(1) the size of the department;

(2) the department's annual budget and source of revenue; and

(3) the amount by which the department would benefit from the grant.

(d) A volunteer fire department may not be denied assistance from the fund solely because the department receives funds from a political subdivision.

(e) The director shall prepare an annual written report on the activity, status, and effectiveness of the fund and shall submit the report to the lieutenant governor and the speaker of the house of representatives before November 1 of each year.

(f) Any assistance or benefits provided under this subchapter to a volunteer fire department or a firefighter who is a member of a volunteer fire department may not be considered

compensation, and a firefighter receiving assistance under this subchapter may not be considered to be in the paid service of any governing body.

(g) Administration costs associated with the program during a state fiscal year may not exceed seven percent of the total revenue collected from the assessment under Article 5.102, Insurance Code, during the previous fiscal year.

(h) Except as otherwise provided by this subsection, at least 10 percent of appropriations for a state fiscal year from the fund for the purpose of providing assistance to volunteer fire departments under the program is allocated for providing emergency assistance under Section 614.103(a-1). If the amount of assistance requested under Section 614.103(a-1) in a state fiscal year is less than the amount allocated under this subsection, the remaining amount may be used for other types of requests for assistance.

Sec. 614.103. REQUESTS FOR ASSISTANCE. (a) A request for assistance from the fund shall be submitted to the director.

(a-1) A volunteer fire department whose equipment is damaged or lost in responding to a declared state of disaster under Section 418.014 in an area subject to the declaration may submit a request for emergency assistance from the fund for:

(1) the replacement or repair of damaged or lost personal protective equipment or other firefighting equipment; and

(2) the purchase of a machine to clean personal protective equipment.

(b) On receiving a request for assistance, the director shall determine whether to provide assistance and the amount of the assistance to be provided, if any, based on the criteria developed under Section 614.102. A written copy of the decision shall be sent to the requestor.

Sec. 614.104. FUND. (a) The volunteer fire department assistance fund is an account in the general revenue fund and is composed of money collected under Chapter 2007, Insurance Code, and contributions to the fund from any other source.

(b) Except as provided by Subsections (c) and (d), money in the fund may be used only for a purpose under this subchapter.

(c) The service may expend an amount not to exceed \$5 million each year from the fund for staffing and operating costs associated with the preparation and delivery of the service's statewide wildfire protection plan.

(d) Money in the fund may be appropriated for a contribution to the Texas Emergency Services Retirement System subject to Section 865.015.

Sec. 614.105. SEPARATE ACCOUNT FOR MONEY FROM TEXAS COMMISSION ON FIRE PROTECTION. (a) The service shall maintain a separate account within the volunteer fire department assistance fund.

(b) The account shall contain money:

(1) previously appropriated to the Texas Commission on Fire Protection for the administration of the fire department emergency program and transferred to the service;

(2) received from the repayment of outstanding loans transferred to the service from the Texas Commission on Fire Protection fire department emergency program; and

(3) from any legislative appropriations for the purposes of Subsection (c).

(c) The money in the account may be used only to award grants for scholarships for the education and training of firefighters or for purchasing necessary firefighting equipment and facilities for:

(1) a municipal fire department with any number of paid personnel;

(2) a fire department operated by its members, some of whom are volunteers and some of whom are paid; or

(3) a volunteer fire department.

(d) The service shall administer all outstanding loans transferred from the Texas Commission on Fire Protection fire department emergency program and deposit money

obtained as repayment of those loans to the credit of the account created under this section.

Sec. 614.106. RULES; APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT. The director shall adopt rules for the administration of the program authorized by this chapter in accordance with Chapter 2001. The rules must ensure public participation, transparency, and accountability in administration of the program.

SUBCHAPTER H. PEACE OFFICER IDENTIFICATION CARDS

Sec. 614.121. DEFINITIONS. In this subchapter:

- (1) "Full-time peace officer" means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure, or other law, who:
 - (A) works as a peace officer on average at least 32 hours per week, exclusive of paid vacation; and
 - (B) is compensated by this state or a political subdivision of this state at least at the federal minimum wage and is entitled to all employee benefits offered to a peace officer by the state or political subdivision.
- (2) "Honorably retired peace officer" means a former peace officer who:
 - (A) previously served but is not currently serving as an elected, appointed, or employed peace officer under Article 2.12, Code of Criminal Procedure, or other law;
 - (B) did not retire in lieu of any disciplinary action;
 - (C) was eligible to retire from a law enforcement agency in this state or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the agency; and
 - (D) is eligible to receive a pension or annuity for service as a law enforcement officer in this state or is ineligible to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees.
- (3) "Part-time peace officer" means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure, or other law, who:
 - (A) works as a peace officer on average less than 32 hours per week, exclusive of paid vacation; and
 - (B) is compensated by this state or a political subdivision of this state at least at the federal minimum wage and is entitled to all employee benefits offered to a peace officer by the state or political subdivision.
- (3-a) "Qualified retired law enforcement officer" has the meaning assigned by 18 U.S.C. Section 926C.
- (4) "Reserve law enforcement officer" has the meaning assigned by Section 1701.001, Occupations Code.

Sec. 614.122. PEACE OFFICERS. (a) The law enforcement agency or other governmental entity that appoints or employs a peace officer shall issue an identification card to its full-time or part-time peace officers.

(b) The identification card must include:

- (1) the full name of the peace officer;
- (2) a photograph of the peace officer consistent with the peace officer's appearance;
- (3) the name of the law enforcement agency or other governmental entity that appointed or employs the peace officer or that the peace officer was elected to serve;
- (4) if applicable, the signature of the person appointing or employing the person as a peace officer on behalf of the law enforcement agency or other governmental entity;
- (5) a brief description of the peace officer, including the peace officer's height, weight, and eye color;
- (6) the thumbprint of the peace officer or a bar code with a unique identification label for the peace officer;

- (7) the date the law enforcement agency or other governmental entity appointed or employed the peace officer;
 - (8) the date the law enforcement agency or other governmental entity issued the card to the peace officer; and
 - (9) a phone number operational 24 hours a day, seven days a week that a person may call to verify the validity of the identification card.
- (c) On the identification card, the law enforcement agency or other governmental entity that issues the card shall print:
- (1) "State of Texas" and the state seal; and
 - (2) "This identification card certifies that (insert name of peace officer) is commissioned by (insert name of law enforcement agency or other governmental entity that appoints or employs the peace officer) as a (insert "full-time peace officer" or "part-time peace officer")."
- (d) The head of a law enforcement agency or other governmental entity that appoints or employs a peace officer shall recover the identification card at the time of the peace officer's resignation or termination.

Sec. 614.123. RESERVE LAW ENFORCEMENT OFFICER. (a) The law enforcement agency or other governmental entity that appoints or employs a reserve law enforcement officer shall issue an identification card to its reserve law enforcement officers.

(b) The identification card must include:

- (1) the full name of the reserve law enforcement officer;
- (2) a photograph of the reserve law enforcement officer consistent with the reserve law enforcement officer's appearance;
- (3) the name of the law enforcement agency or other governmental entity that appointed or employs the reserve law enforcement officer;
- (4) if applicable, the signature of the person appointing or employing the person as a reserve law enforcement officer on behalf of the law enforcement agency or other governmental entity;
- (5) a brief description of the reserve law enforcement officer, including the reserve law enforcement officer's height, weight, and eye color;
- (6) the thumbprint of the reserve law enforcement officer or a bar code with a unique identification label for the reserve law enforcement officer;
- (7) the date the law enforcement agency or other governmental entity appointed or employed the reserve law enforcement officer;
- (8) the date the law enforcement agency or other governmental entity issued the card to the reserve law enforcement officer; and
- (9) a phone number operational 24 hours a day, seven days a week that a person may call to verify the validity of the identification card.

(c) On the identification card, the law enforcement agency or other governmental entity that issues the card shall print:

- (1) "State of Texas" and the state seal; and
- (2) "This identification card certifies that (insert name of reserve law enforcement officer) is commissioned by (insert name of law enforcement agency or other governmental entity that appoints or employs the reserve law enforcement officer) as a reserve law enforcement officer."

(d) The head of a law enforcement agency or other governmental entity that appoints or employs a reserve law enforcement officer shall recover the identification card at the time of the reserve law enforcement officer's resignation or termination.

Sec. 614.124. HONORABLY RETIRED PEACE OFFICER. (a) On request of an honorably retired peace officer who holds a certificate of proficiency under Section [1701.357](#), Occupations Code, the law enforcement agency or other governmental entity that was the last entity to appoint or employ the honorably retired peace officer as a peace officer shall issue an identification card to the honorably retired peace officer.

(b) The identification card must include:

- (1) the full name of the honorably retired peace officer;
 - (2) a photograph of the honorably retired peace officer consistent with the honorably retired peace officer's appearance;
 - (3) the name of the law enforcement agency or other governmental entity that issued the card to the honorably retired peace officer;
 - (4) if applicable, the signature of the person authorizing the issuance of the card on behalf of the law enforcement agency or other governmental entity to the honorably retired peace officer;
 - (5) a brief description of the honorably retired peace officer, including the honorably retired peace officer's height, weight, and eye color;
 - (6) the thumbprint of the honorably retired peace officer or a bar code with a unique identification label for the honorably retired peace officer;
 - (7) the date the honorably retired peace officer last served as a peace officer for the law enforcement agency or other governmental entity;
 - (8) the date the law enforcement agency or other governmental entity issued the card to the honorably retired peace officer; and
 - (9) a phone number operational 24 hours a day, seven days a week that a person may call to verify the validity of the identification card.
- (c) On the identification card, the law enforcement agency or other governmental entity that issues the card shall print:
- (1) "State of Texas" and the state seal; and
 - (2) "This identification card certifies that (insert name of honorably retired peace officer) is an honorably retired peace officer of (insert name of law enforcement agency or other governmental entity that last appointed or employed the honorably retired peace officer)."
- (d) The head of a law enforcement agency or other governmental entity that issued the identification card shall recover the identification card on the date the identification card expires.

Sec. 614.1241. QUALIFIED RETIRED LAW ENFORCEMENT OFFICER. (a) On request of a qualified retired law enforcement officer who holds a certificate of proficiency under Section [1701.357](#), Occupations Code, a law enforcement agency or other governmental entity in this state shall issue an identification card to the qualified retired law enforcement officer if the law enforcement agency or other governmental entity:

- (1) was the last entity to appoint or employ the qualified retired law enforcement officer as a peace officer; or
 - (2) appointed or employed the qualified retired law enforcement officer for 20 years or more and the officer is receiving retirement or pension benefits as a result of that service.
- (b) The identification card must include:
- (1) the full name of the qualified retired law enforcement officer;
 - (2) a photograph of the qualified retired law enforcement officer consistent with the qualified retired law enforcement officer's appearance;
 - (3) the name of the law enforcement agency or other governmental entity that issued the card to the qualified retired law enforcement officer;
 - (4) if applicable, the signature of the person authorizing the issuance of the card on behalf of the law enforcement agency or other governmental entity to the qualified retired law enforcement officer;
 - (5) a brief description of the qualified retired law enforcement officer, including the qualified retired law enforcement officer's height, weight, and eye color;
 - (6) the thumbprint of the qualified retired law enforcement officer or a bar code with a unique identification label for the qualified retired law enforcement officer;
 - (7) the date the qualified retired law enforcement officer last served as a peace officer for the law enforcement agency or other governmental entity;
 - (8) the date the law enforcement agency or other governmental entity issued the card to the qualified retired law enforcement officer; and

(9) a phone number operational 24 hours a day, seven days a week, that a person may call to verify the validity of the identification card.

(c) On the identification card, the law enforcement agency or other governmental entity that issues the card shall print:

(1) "State of Texas" and the state seal; and

(2) "This identification card certifies that (insert name of qualified retired law enforcement officer) is a qualified retired law enforcement officer of (insert name of law enforcement agency or other governmental entity that last appointed or employed the qualified retired law enforcement officer)."

(d) The head of a law enforcement agency or other governmental entity that issued the identification card shall recover the identification card on the date the identification card expires.

Sec. 614.125. EXPIRATION DATE. An identification card issued under this subchapter expires on a date specified by the law enforcement agency or other governmental entity issuing the card.

Sec. 614.126. TAMPER-PROOF CARDS. An identification card issued under this subchapter must be, to the extent practicable, tamper-proof.

Sec. 614.127. LOST OR STOLEN CARDS. If an identification card issued under this subchapter is lost or stolen, the law enforcement agency or other governmental entity that issued the card to the peace officer, reserve law enforcement officer, honorably retired peace officer, or qualified retired law enforcement officer shall issue a duplicate identification card to the officer if the officer submits an affidavit executed by the officer to the law enforcement agency or other governmental entity stating that the identification card was lost or stolen.

SUBCHAPTER I. FIRE DEPARTMENT LISTING

Sec. 614.151. PURPOSES OF SUBCHAPTER. The purposes of this subchapter are to:

(1) develop a complete list of fire departments and firefighting resources within this state;

(2) prepare for the prompt and efficient response to a disaster or incident of catastrophic proportions; and

(3) provide support to the statewide mutual aid program for fire emergencies as provided by Section [418.110](#).

Sec. 614.152. DEFINITIONS. In this subchapter:

(1) "Fire department" means an entity that provides fire protection to an area within the state that has 9-1-1 service as determined by the Commission on State Emergency Communications.

(2) "Service" means the Texas Forest Service of The Texas A&M University System.

(3) "State fire agency" means the:

(A) Office of Rural Affairs established in the Department of Agriculture;

(B) service;

(C) Texas Commission on Fire Protection;

(D) Texas A&M Engineering Extension Service; and

(E) Texas State Fire Marshal's Office of the Texas Department of Insurance.

(4) "State fire association" means the:

(A) State Firemen's and Fire Marshals' Association of Texas;

(B) Texas Fire Chiefs Association;

(C) Texas Fire Marshals Association;

(D) Texas State Association of Fire and Emergency Districts; and

(E) Texas State Association of Fire Fighters.

Sec. 614.153. ADMINISTRATION OF FIRE DEPARTMENT LISTING. The service shall:
(1) establish and maintain a listing of fire departments located in this state that is accessible to each state fire agency to assist the agency in carrying out its responsibilities; and
(2) prescribe procedures necessary to implement this subchapter.

Sec. 614.154. LISTING REQUIRED. (a) Each fire department in this state must be listed with the service. Each fire department shall provide to the service information described by Section 614.155 in a manner prescribed by the service.
(b) State fire agencies and state fire associations shall coordinate and cooperate with the service in the development of the listing.

Sec. 614.155. LISTING COMPONENTS. The listing must contain for each fire department in this state:
(1) the name of the fire department;
(2) the physical address of the fire department;
(3) the mailing address of the fire department;
(4) the number of firefighters and any other personnel affiliated with the fire department whose duties involve responding to an emergency incident; and
(5) an itemized list, using National Incident Management System guidelines, of all firefighting equipment used by the fire department for fire protection purposes.

Sec. 614.156. RENEWAL OF LISTING. The service shall renew a fire department's listing annually.

SUBCHAPTER J. STANDARDS FOR CERTAIN LAW ENFORCEMENT OFFICERS

Sec. 614.171. DEFINITIONS. In this subchapter:

- (1) "Law enforcement agency" means the Department of Public Safety, Texas Alcoholic Beverage Commission, Texas Department of Criminal Justice, and Parks and Wildlife Department.
- (2) "Law enforcement officer" means a person who is a commissioned peace officer employed by a law enforcement agency.

Sec. 614.172. PHYSICAL FITNESS PROGRAMS AND STANDARDS. (a) Each law enforcement agency shall adopt physical fitness programs that a law enforcement officer must participate in and physical fitness standards that a law enforcement officer must meet. The standards as applied to an officer must directly relate to the officer's job duties and shall include individual fitness goals specific to the officer's age and gender. A law enforcement agency shall use the services of a consultant to aid the agency in developing the standards.
(a-1) Each law enforcement agency shall adopt a reward policy that provides for reward incentives to officers who participate in the program and meet the standards adopted under Subsection (a). The reward incentives under the policy must be an amount of administrative leave of not more than four days per year.
(a-2) An agency may adopt physical readiness standards independent of other law enforcement agencies.
(b) Except as provided by Subsection (c), a violation of a standard adopted under Subsection (a) is just cause to discharge an officer or:
(1) transfer an officer to a position that is not compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act; or
(2) for a law enforcement officer employed by the Parks and Wildlife Department and compensated according to Schedule B of the position classification salary schedule prescribed by the General Appropriations Act, transfer the officer to a position that does not require the employee to be a commissioned peace officer.

(c) A law enforcement agency may exempt a law enforcement officer from participating in a program or meeting a standard under Subsection (a) based on the facts and circumstances of the individual case, including whether an officer was injured in the line of duty.

SUBCHAPTER K. INSURANCE COVERAGE REQUIRED FOR VOLUNTEER POLICE FORCE MEMBERS

Sec. 614.191. DEFINITION. In this subchapter, "volunteer police force member" means:

- (1) a person summoned under Section [341.011](#), Local Government Code, to serve on a special police force;
- (2) a police reserve force member appointed under Section [341.012](#), Local Government Code; and
- (3) any other person assigned by a state agency or political subdivision to perform, without compensation, any duties typically performed by a peace officer.

Sec. 614.192. INSURANCE COVERAGE REQUIRED. (a) Each volunteer police force member must be insured or covered by the applicable state agency or political subdivision against any injury suffered by the police force member in the course and scope of performing the person's assigned duties at the request of or under a contract with a state agency or political subdivision.

- (b) The applicable state agency or political subdivision may satisfy the requirements of Subsection (a) by:
- (1) providing insurance coverage; or
 - (2) entering into an interlocal agreement with another political subdivision providing for self-insurance.

SUBCHAPTER L. RETIREMENT OF LAW ENFORCEMENT ANIMAL

Sec. 614.211. DEFINITIONS. In this subchapter:

- (1) "Head of a law enforcement agency" means the highest-ranking peace officer in a law enforcement agency, including the director, sheriff, constable, or police chief, as applicable.
- (2) "Law enforcement agency" means an office, department, or other division of this state or a political subdivision of this state, including a county, municipality, school district, or hospital district, that is authorized by law to employ peace officers.

Sec. 614.212. SUITABILITY AND ELIGIBILITY OF ANIMAL. (a) The governing body of a state agency or political subdivision may enter into a contract with a person for the transfer of a law enforcement dog, horse, or other animal that has been determined by the applicable head of a law enforcement agency or that person's designee to be:

- (1) suitable for transfer, after consulting with the animal's veterinarian, handlers, and other caretakers; and
 - (2) surplus to the needs of the state agency or political subdivision because the animal is:
 - (A) at the end of the animal's working life; or
 - (B) subject to circumstances that justify making the animal available for transfer before the end of the animal's working life, including:
 - (i) the death of the animal's handler in the line of duty or as a result of injuries sustained in the line of duty; or
 - (ii) the medical retirement of the animal's handler as a result of injuries sustained in the line of duty.
- (b) The head of a state law enforcement agency may execute a contract under this subchapter on behalf of the state agency.

Sec. 614.213. TRANSFEREE. (a) A law enforcement animal determined to be suitable and eligible for transfer under Section [614.212](#) may be transferred only to a person who is:

- (1) capable of humanely caring for the animal; and
 - (2) selected by the applicable head of a law enforcement agency or that person's designee in the following order of priority, as applicable:
 - (A) the animal's former handler who medically retired as a result of injuries sustained in the line of duty;
 - (B) the parent, child, spouse, or sibling of the animal's former handler if the handler was killed in the line of duty or died from injuries sustained in the line of duty;
 - (C) a former handler not described by Paragraph (A);
 - (D) a peace officer, county jailer, or telecommunicator other than the animal's handler; or
 - (E) another person.
- (b) If more than one person in a category of authorized transferees under Subsection (a)(2) requests to receive the animal, the applicable head of a law enforcement agency or that person's designee shall determine which of the potential transferees would best serve the best interest of the animal and the applicable state agency or political subdivision.

Sec. 614.214. CONTRACT. A contract for a transfer under this subchapter:

- (1) may provide for the transfer without charge to the transferee;
- (2) must require the transferee to:
 - (A) humanely care for the animal, including providing food, shelter, and regular and appropriate veterinary care, including medication, to properly provide for the animal's health;
 - (B) comply with all state and local laws applicable to keeping domestic animals; and
 - (C) notify the applicable state agency or political subdivision if the transferee is no longer able to humanely care for the animal; and
- (3) must require the applicable state agency or political subdivision to take possession of the animal on:
 - (A) receipt of the notice under Subdivision (2)(C); or
 - (B) a finding by the governing body of the state agency or political subdivision that the transferee is no longer able to humanely care for the animal.

Sec. 614.215. LIABILITY. A state agency or political subdivision that transfers an animal under this subchapter:

- (1) is not liable in a civil action for any damages arising from the transfer, including damages arising from the animal's law enforcement training; and
- (2) is not liable for veterinary expenses of the transferred animal, including expenses associated with care for a condition of the animal that existed before or at the time of transfer, regardless of whether the applicable law enforcement agency, state agency, or political subdivision was aware of the condition.

Sec. 614.216. EFFECT OF SUBCHAPTER. This subchapter does not:

- (1) require an animal to be transferred under this subchapter;
- (2) affect a state agency's or political subdivision's authority to care for retired law enforcement animals; or
- (3) waive sovereign or governmental immunity to suit and from liability of the state agency or political subdivision transferring an animal.

Sec. 614.217. EFFECT OF SURPLUS OR SALVAGE LAW. Subchapter D, Chapter [2175](#), of this code, Subchapter D, Chapter [263](#), Local Government Code, and other similar laws regarding the disposition of surplus or salvage property do not apply to the transfer of a law enforcement animal under this subchapter.

CIVIL PRACTICE AND REMEDIES CODE
TITLE 5. GOVERNMENTAL LIABILITY
CHAPTER 102. TORT CLAIMS PAYMENTS BY LOCAL GOVERNMENTS

Sec. 102.001. DEFINITIONS. In this chapter:

- (1) "Employee" includes an officer, volunteer, or employee, a former officer, volunteer, or employee, and the estate of an officer, volunteer, or employee or former officer, volunteer, or employee of a local government. The term includes a member of a governing board. The term does not include a county extension agent.
- (2) "Local government" means a county, city, town, special purpose district, including a soil and water conservation district, and any other political subdivision of the state.

Sec. 102.002. PAYMENT OF CERTAIN TORT CLAIMS.

- (a) A local government may pay actual damages awarded against an employee of the local government if the damages:
 - (1) result from an act or omission of the employee in the course and scope of his employment for the local government; and
 - (2) arise from a cause of action for negligence.
- (b) The local government may also pay the court costs and attorney's fees awarded against an employee for whom the local government may pay damages under this section.
- (c) Except as provided by Subsection (e), a local government may not pay damages awarded against an employee that:
 - (1) arise from a cause of action for official misconduct; or
 - (2) arise from a cause of action involving a wilful or wrongful act or omission or an act or omission constituting gross negligence.
- (d) A local government may not pay damages awarded against an employee to the extent the damages are recoverable under an insurance contract or a self-insurance plan authorized by statute.
- (e) A local government that does not give a bond under Section 1105.101(b), Estates Code, shall pay damages awarded against an employee of the local government arising from a cause of action described by Subsection (c) if the liability results from the employee's appointment as guardian of the person or estate of a ward under the Estates Code and the action or omission for which the employee was found liable was in the course and scope of the person's employment with the local government.

Sec. 102.003. MAXIMUM PAYMENTS. Payments under this chapter by a local government may not exceed:

- (1) \$100,000 to any one person or \$300,000 for any single occurrence in the case of personal injury or death; or
- (2) \$10,000 for a single occurrence of property damage, unless the local government is liable in the local government's capacity as guardian under the Estates Code and does not give a bond under Section 1105.101(b), Estates Code, in which event payments may not exceed the amount of the actual property damages.

Sec. 102.004. DEFENSE COUNSEL.

- (a) A local government may provide legal counsel to represent a defendant for whom the local government may pay damages under this chapter. The counsel provided by the local government may be the local government's regularly employed counsel, unless there is a potential conflict of interest between the local government and the defendant, in which case the local government may employ other legal counsel to defend the suit.
- (b) Legal counsel provided under this section may settle the portion of a suit that may result in the payment of damages by the local government under this chapter.

Sec. 102.005. SECURITY FOR COURT COSTS NOT REQUIRED. In a case defended under this chapter, neither the defendant nor a local government is required to advance security for costs or to give bond on appeal or writ of error.

Sec. 102.006. OTHER LAWS NOT AFFECTED. This chapter does not affect:

- (1) Chapter 101 of this code (the Texas Tort Claims Act); or
- (2) a defense, immunity, or jurisdictional bar available to a local government or an employee.

Title VII Protected Classes: Everything You Need to Know

Title VII Protected Classes

Under Title VII Protected Classes of the Civil Rights Act of 1964 (Pub. L. 88-352) Vol 42(2000e) as amended in the U.S. code, employment discrimination based on race, color, religion, sex and national origin is prohibited. Race or color identification is understood to be any category circumscribed by law as persons of:

- African (i.e., black)
- Caucasian (i.e., white)
- Hispanic
- Asian
- Indian Americans (Eskimos, Native Hawaiians, Native Americans)

Prohibition of discrimination on basis of "color" is at times interpreted by some U.S. courts to infer a fair-skinned African American worker in cases where the plaintiff is pursuant of a discrimination charge on basis of the actions of a darker-skinned boss.

National Origin

The U.S. Supreme Court has ruled that national origin refers to the country of birth, or of ancestry. The term does not provide for discrimination allegations on basis of citizenship. The courts have generally upheld requirements that an employee communicate in English, where the requirement is job-related. The Equal Employment Opportunity Commission's (EEOC) position is that a rule requiring bilingual employees to only speak English at work is discriminatory. Courts have typically upheld employer defense of U.S. English only rules to employment. Discrimination on basis of national origin is in violation of Title VII, unless stipulated as a criterion for the job role. Naturalization as a U.S. citizen requires proficiency in English.

Sex

Rules protecting persons of any sex, gender, or sexual orientation (i.e, gay, heterosexual, lesbian, transgender, transsexual, etc.) are part of Title VII provisions. Discrimination on basis of gender applies to women and men. Employers may not offer different benefits to men than women. Sexual harassment is prohibited by Title VII. In 1978, the U.S. Congress reformed Title VII laws to prohibit discrimination of pregnant workers. Pregnancy may not be considered in making employment decisions. Employers must treat pregnancy as other disabilities with accommodations.

Religion

EEOC guidelines to religious protections state that religious practices are those rules pertaining to "moral or ethical beliefs" and held with the strength of religious tradition. The rule imposes a duty to reasonable accommodation of a worker's or prospective worker's religious practice or observance. Exempt are practices that would cause "undue hardship" to an employer's business. Title VII makes exception to protections on agreements with religious corporations, associations, educational institutions, or societies.

Title VII of the Civil Rights Act of 1964

Title VII prohibits workplace harassment and discrimination of employees. The legislation covers all private employers, state and local governments, and educational institutions with 15 employees or more.

Pay Discrimination

The Lilly Ledbetter Fair Pay Act of 2009, changes the Statute of Limitations for worker EEOC pay discrimination claims under Title VII and the Age Discrimination in Employment Act of 1967 (ADEA). The 2009 Act declares employment practice discriminatory when a discriminatory pay decision or practice is adopted that is differential for the same role and work obligations.

The Lilly Ledbetter Fair Pay Act enacted in 2009, put into force legislative rules to equitable pay for women. Disproportionate earnings by men, and especially white males, historically is a political and legal issue not yet entirely met with satisfactory remedy.

- Women today are paid, on average, 77 cents per every dollar paid to men.
- For women of color, the gap is even wider, with African American women earning a ratio of 64 cents.
- Latina women earn a mere 55 cents, for each dollar earned by males.

Signed by President Obama, the Act restored protections from pay discrimination that had been eliminated by the U.S. Supreme Court decision to Ledbetter v. Goodyear Tire & Rubber Co. Under the Ledbetter Act, employees can sue at any time after alleged discrimination occurred and have been in receipt of payroll compensation in the preceding 180 days.

Public rhetoric surrounding the Supreme Court's 2007 Ledbetter decision, argued the ruling an end to sufficient employee protections from discrimination, as well as rights to procedural authority to pay during a discrimination claim. When the plaintiff filed a charge against Goodyear Tire & Rubber Co., alleging pay discrimination under the Equal Employment Opportunity Commission (EEOC), she was denied rights to equitable pay. Unequal pay, then, was not considered suffrage by a member of a protected class (women) in the case, but an arbitrary claim. According to the legislative overturning of the Ledbetter decision, the plaintiff was performing work equal to that of the dominant class (men), yet was compensated less for that work due to gender-based discrimination.

Dissenting opinion by Supreme Court Justice Ginsburg to judicial opinion in the Ledbetter case, identifies the issue of pay discrimination, as different than other forms of discrimination and is more akin to a "hostile work environment" claim, involving repeated, ongoing conduct. Congressional review of the case suggests that nowhere in it is there any room for the limitations period present in the statute or indeed any of the other requirements. The Lilly Ledbetter Fair Pay Act, introduced shortly after the Court decision, passed in the House, adopts Justice Ginsburg's view.

Amending anti-discrimination laws to the effect that each time a violation occurs, protections provide "each time wages, benefits, or other compensation [must be] paid" as remedy discriminatory practice. The new rule eliminates time constraints, insofar as even retirees could bring suits alleging pay-related discrimination occurring decades preceding a case if they are presently receiving benefits, such as

pensions or health care. The rationale to the reform is that price of compensation (i.e., remedy) would be affected by discrimination, and that justice may only be served when the victim becomes aware of a credible legal claim.

The Ledbetter Act allowed employee plaintiffs allowed for differences in women's pay to be defined as valid claim of discrimination. Opponents argue that Ledbetter does not account for any number of non-discriminatory factors, such as experience once minority complaint is at the gate. Under EEOC provisions, it is argued, employers are forced to defend cases where plaintiffs present evidence of a present wage gap, allegations of long-ago discrimination, and a story connecting the two. The flood of lawsuits is not limitless, however, because, employers change their hiring, firing, and wage practices to reduce the risk of lawsuits as result.

The reform of EEO Title VII legislation by Congress allows for punitive damages in addition to several years' worth of deficient pay. Opponents argue that the case opened the gate for class action lawsuits should similar reasoning be applied to a multitude of employment cases. The Ledbetter Act is among the top priorities of the American Association for Justice despite the existence of other, less attractive statutory remedies for those who are the victims of recent or continuing discrimination or unjustified pay disparities.

Age Discrimination

The federal enactment of ADEA in 1967 bars discrimination against employees or applicants who over the age of 40, by any employer with 20 or more employees.

Harassment

Discrimination is strictly prohibited by Title VII. The U.S. Supreme Court ruling explicitly states that harassment is a hostile act. Hostile work environments violate the prohibitions of Title VII. When harassment is found to be not only pervasive but severe, altering an employee's existence as well as the terms and conditions of employment contract, it is an abusive relationship. Hostile work environments are a violation of U.S. federal law. Harassment includes "bullying", "hazing", and lateral violence activities targeting individual employees. Violations also include harassment acts purportedly intended as a rite of passage for the victim to be wholly part of the organization or institution.

Title VII and Disparate Impact

According to EEOC laws under Title VII, employees who have been victimized do not have to "prove" that an employment practice "causes a disparate impact on basis of color, race, religion, sex, or national origin, but must file a claim. The EEOC investigates claims of discrimination and adverse or disparate impact. For an employer to adequately and substantially defend against a disparate impact claim under Title VII, they must demonstrate that the employment practice in question was consistent with necessary business protocol; and no other way existed to achieve its legitimate purpose without adverse impact.

On Jan. 26, 2009, the U.S. Supreme Court amended Title VII's anti-retaliation rules to employee rights to protection. Reference to Crawford v. Metropolitan Government of Nashville and Davidson County, Tennessee, the Court held that federal rules protect not only employees who allege complaints of harassment and discrimination, but also employees who claim such disparate impact has affected

another employee. Employee witnesses informing EEOC investigations of an employer's violations of Title VII protected classes, stand as credible.

Title VII and the EEOC

Before a lawsuit can be filed against an employer, allegations must be filed with the EEOC in accordance with Title VII. If the EEOC finds an employee's claim has merit:

- The Commission may sue on behalf of the claimant.
- The EEOC issues an employee's "right-to-sue" letter.

In cases where a claim has no merit:

- An employee can still file a complaint of retaliation for filing a claim of harassment or discrimination and begin the litigation process in court.

Employees filing complaint with the EEOC can charge an employer with violations and compensation for lost wages, benefits, reinstatement, and attorneys' fees. Compensatory damages may also involve allegations of intentional infliction of emotional distress (IIED), and are typically costly, yet are "capped" by Title VII allowance depending on the size of the employer.

New Title VII and EEOC Rulings Protect Transgender Employees

Few Americans, including the LGBT community, are aware that today a transgender employee is protected against being fired because of his or her status as a transgender person in all 50 states. Transgenderers are now in protection based on recent rulings from federal courts and the EEOC under Title VII of the 1964 Civil Rights Act, making it illegal to discriminate "because of sex." An employer who discriminates against a transgender employee can still challenge the EEOC's ruling. If a case goes to federal court, an employer is unlikely to prevail against allegations of discrimination.

Transgender status may not be a protected class, but lawsuits involving transgender employees are permitted to proceed. In 2015, Michigan ruled on one of the first U.S. court cases focused on sex-discrimination over a transgender employee's firing to proceed. The Michigan Court refused to dismiss the case despite the fact transgender persons are not considered a protected class under Title VII. The court found that transgender employees are as other employees and are permitted to file lawsuit complaints against their employers over stereotypes related to sex.

The U.S. Congress nor the Supreme Court has established transgender individuals as a protected class, yet at the district court level interpretation of EEOC includes this sexual identity as a having minority rights. Although transgender persons do not fall under a protected class, Title VII does provide general protections to transgender persons from discrimination by employers. The courts have concluded that transgender persons are the same as other persons, and this carries over to the workplace where they are to be protected from sex-stereotyping and gender-discrimination under Title VII. However, at present, transgender employees are not able to file a lawsuit under Title VII as a protected class.

LOCAL GOVERNMENT CODE
TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES
SUBTITLE C. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES OF MORE THAN ONE TYPE OF
LOCAL GOVERNMENT
CHAPTER 180. MISCELLANEOUS PROVISIONS AFFECTING OFFICERS AND EMPLOYEES OF
MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Sec. 180.001. COERCION OF POLICE OFFICER OR FIRE FIGHTER IN CONNECTION WITH POLITICAL CAMPAIGN.

- (a) An individual commits an offense if the individual coerces a police officer or a fire fighter to participate or to refrain from participating in a political campaign.
- (b) An offense under this section is a misdemeanor and is punishable by a fine of not less than \$500 or more than \$2,000, confinement in the county jail for not more than two years, or both a fine and confinement. Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 180.002. DEFENSE OF CIVIL SUITS AGAINST PEACE OFFICERS, FIRE FIGHTERS, AND EMERGENCY MEDICAL PERSONNEL.

- (a) In this section, "peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.
- (b) A municipality or a school district or other special purpose district shall provide a municipal or district employee who is a peace officer, fire fighter, or emergency medical services employee with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if:
 - (1) legal counsel is requested by the employee; and
 - (2) the suit involves an official act of the employee within the scope of the employee's authority.
- (c) To defend the employee against the suit, the municipality or district may provide counsel already employed by it or may employ private counsel.
- (d) An employee may recover from a municipality or district that fails to provide counsel as required by Subsection (b) the reasonable attorney's fees incurred in defending the suit if the trier of fact finds:
 - (1) that the fees were incurred in defending a suit covered by Subsection (b); and
 - (2) that the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 42(a), eff. Aug. 28, 1989. Amended by: Acts 2013, 83rd Leg., R.S., Ch. 56 (H.B. 1016), Sec. 1, eff. May 18, 2013.

Sec. 180.003. MAXIMUM DUTY HOURS OF PEACE OFFICERS.

- (a) In a county with a population of 312,000 to 330,000, a sheriff, deputy, constable, or other peace officer of the county or a municipality located in the county may not be required to be on duty more than 48 hours a week unless the peace officer is called on by a superior officer to serve during an emergency as determined by the superior officer.
- (b) Hours of duty over 48 hours a week, compiled by a peace officer under Subsection (a), may be treated as overtime and may be deducted from future required hours of duty if:
 - (1) the overtime is used within one year after it is compiled; and
 - (2) the peace officer obtains the permission of the superior officer.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 597, Sec. 93, eff. Sept. 1, 1991; Acts 2001, 77th Leg., ch. 669, Sec. 72, eff. Sept. 1, 2001.

Amended by: Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. 2702), Sec. 77, eff. September 1, 2011.

Sec. 180.004. WORKING CONDITIONS FOR PREGNANT EMPLOYEES.

- (a) In this section, "office" means a municipal or county office, department, division, program, commission, bureau, board, committee, or similar entity.
- (b) A municipality or a county shall make a reasonable effort to accommodate an employee of the municipality or county who is determined by a physician to be partially physically restricted by a pregnancy.
- (c) If the physician of a municipal or county employee certifies that the employee is unable to perform the duties of the employee's permanent work assignment as a result of the employee's pregnancy and if a temporary work assignment that the employee may perform is available in the same office, the office supervisor who is responsible for personnel decisions shall assign the employee to the temporary work assignment. Added by Acts 2001, 77th Leg., ch. 533, Sec. 1, eff. Sept. 1, 2001.

Sec. 180.005. APPOINTMENTS TO LOCAL GOVERNING BODIES.

- (a) In this section, "local government" means a county, municipality, or other political subdivision of this state.
- (b) An appointment to the governing body of a local government shall be made as required by the law applicable to that local government and may be made with the intent to ensure that the governing body is representative of the constituency served by the governing body.
- (c) A local government that chooses to implement Subsection (b) shall adopt procedures for the implementation. Added by Acts 2003, 78th Leg., ch. 301, Sec. 8, eff. Sept. 1, 2003.

Sec. 180.006. SOVEREIGN OR GOVERNMENTAL IMMUNITY WAIVED FOR CERTAIN CLAIMS.

- (a) This section applies only to a firefighter or police officer covered by:
 - (1) Chapter 141, 142, or 143 or this chapter;
 - (2) a municipal charter provision conferring civil service benefits of a municipality that has not adopted Chapter 143; or
 - (3) a municipal ordinance enacted under Chapter 142 or 143.
- (b) A firefighter or police officer described by Subsection (a) who alleges the employing municipality's denial of monetary benefits associated with the recovery of back pay authorized under a provision listed in Subsection (a) or a firefighter described by Subsection (a) who alleges the denial of monetary civil penalties associated with recovery of back pay owed under Section 143.134(h) may seek judicial review of such denial only as provided in Subsections (e) and (f), provided that if there is no applicable grievance, administrative or contractual appeal procedure available under Subsection (e), the firefighter or police officer may file suit against the employing municipality directly in district court under the preponderance of the evidence standard of review.
- (c) Sovereign and governmental immunity of the employing municipality from suit and liability is waived only to the extent of liability for the monetary benefits or monetary civil penalties described by Subsection (b). This section does not waive sovereign or governmental immunity from suit or liability for any other claim, including a claim involving negligence, an intentional tort, or a contract unless otherwise provided by the statute.
- (d) This section does not:
 - (1) grant immunity from suit to a local governmental entity;
 - (2) waive a defense or a limitation on damages, attorney's fees, or costs available to a party to a suit under this chapter or another statute, including a statute listed in Subsection (a)(1); or
 - (3) modify an agreement under Chapter 142, 143, or 174.
- (e) Before seeking judicial review as provided by Subsection (b), a firefighter or police officer must initiate action pursuant to any applicable grievance or administrative appeal procedures prescribed by state statute or agreement and must exhaust the grievance or administrative appeal procedure.

(f) If judicial review is authorized under statute, judicial review of the grievance or administrative appeal decision is under the substantial evidence rule, unless a different standard of review is provided by the provision establishing the grievance or administrative appeal procedure.

(g) This section does not apply to an action asserting a right or claim based wholly or partly, or directly or indirectly, on a referendum election held before January 1, 1980, or an ordinance or resolution implementing the referendum. Added by Acts 2007, 80th Leg., R.S., Ch. 1200 (H.B. 1473), Sec. 1, eff. June 15, 2007.

Sec. 180.007. PAYMENTS IN EXCESS OF CONTRACTUAL AMOUNT.

(a) A political subdivision may not pay an employee or former employee more than an amount owed under a contract with the employee unless the political subdivision holds at least one public hearing under this section.

(b) Notice must be given of the hearing in accordance with notice of a public meeting under Subchapter C, Chapter 551, Government Code.

(c) The governing body of the political subdivision must state the following at the public hearing:

(1) the reason the payment in excess of the contractual amount is being offered to the employee or former employee, including the public purpose that will be served by making the excess payment; and

(2) the exact amount of the excess payment, the source of the payment, and the terms for the distribution of the payment that effect and maintain the public purpose to be served by making the excess payment. Added by Acts 2013, 83rd Leg., R.S., Ch. 862 (H.B. 483), Sec. 1, eff. June 14, 2013.