



TEXAS COMMISSION ON LAW ENFORCEMENT

Advisory Committee Meeting Minutes

Examination of Licensee (Fit for Duty)

October 11, 2023

On Wednesday, October 11, 2023, at 1:00 p.m., an advisory committee meeting for the Texas Commission on Law Enforcement (TCOLE) was held at the TCOLE Headquarters, 2nd Floor, Training Room, 6330 East Highway 290, Austin, Texas, 78723.

Committee Members attending were: Presiding Officer Constable Shawn Kennington, Assistant Presiding Officer Chief Mike Harmon, Chief Robert Crawford, Curtis Howard, Kevin Lawrence, Bob Leonard, Lieutenant Lisette Rivera, Dr. Stephen Tate, Clay Taylor, and Sheriff Johnwayne Valdez.

TCOLE Executive staff attending were: Interim Executive Director John Beauchamp; Credentialing, Education and Field Services Director Cullen Grissom; Information Technology and Special Services Director Jessica Capraro; Enforcement Major T.J. Vineyard; Finance Director Brian Roth; and Government Relations Director Gretchen Grigsby.

Agenda item 1, Call to order.

Presiding Officer Constable Shawn Kennington called the meeting to order at 1:02 p.m.

Roll call of members was called, and a quorum was present.

Welcoming remarks were made by Presiding Officer Constable Shawn Kennington.

Introductions were made by TCOLE staff and TCOLE Commissioner Jason Hester.

Agenda item 2, Discuss and take action on Advisory Committee procedural and preliminary matters, if necessary.

No action taken.

Agenda item 3, Discuss and take action on matters related to developing a model policy prescribing standards and procedures for the medical and psychological examination of new licensees, existing licensees, or those whose employing agency has reason to believe a new examination is necessary as established under Texas Occupation Code § 1701.167.

TCOLE Deputy Director Cullen Grissom provided an overview of Texas Occupations Code §

1701.167, the “fit for duty” policy regarding examination of a license holder or applicant, for the committee members.

Director Grissom informed the committee that, in addition to being required of new applicants, a Chief has the authority to compel a license holder in their employment to prove their fitness for duty, either physically or psychologically.

There was discussion regarding when or what type of event would initiate an examination of a licensee, such as every five years, or following a traumatic event, injury, or complaint, in addition to the 180-day break in service requirement.

The committee discussed the relation of Local Government Code § 143.081, regarding civil service, to the model policy the committee is charged with creating.

Concerns were brought before the committee regarding agency budgets, confidentiality and the rights of officers, realistic time limits, physical fitness standards, psychological treatment, doctor availability and selection, and worker’s compensation.

There was discussion on the option of requiring a refusal form upon a licensee’s refusal for examination. Under the statute, an agency must provide no less than ten days notice of a request for examination of a licensee. A licensee refusal for examination or treatment, or a failed examination, must be reported to TCOLE. The licensee has the right to appeal to the State Office of Administrative Hearings (SOAH). A failed examination is cause for license suspension.

Director Grissom advised the committee to share any existing model policies with the members of the committee.

Agenda item 4, Discuss and take action on future Advisory Committee meeting dates and location, including videoconferencing.

The next meeting of the TCOLE Advisory Committee on Examination of a Licensee (Fit for Duty) will be held Thursday, November 9, 2023, at 1 p.m. at the TCOLE Headquarters, 2nd Floor, Training Room, 6330 East Highway 290, Austin, Texas, 78723.

Presiding Officer Constable Shawn Kennington will be in attendance in person at the physical location, and Committee Members will have the option to join the meeting virtually if they cannot attend the meeting in Austin.

Agenda item 5, Receive public comment on any topic, without action.

No public comment.

Agenda item 6, Adjourn.

The meeting adjourned at 2:48 p.m.