

By: Haggerty

H.B. No. 3330

A BILL TO BE ENTITLED

AN ACT

1
2 relating to eligibility for custodial officer service in the
3 Employees Retirement System of Texas by certain juvenile
4 correctional officers employed by the Texas Youth Commission.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 811.001(8), Government Code, is amended
7 to read as follows:

8 (8) "Custodial officer" means a member of the
9 retirement system who is employed by the Board of Pardons and
10 Paroles or the Texas Department of Criminal Justice as a parole
11 officer or caseworker, who is employed by the Texas Youth
12 Commission as a juvenile correctional officer, or who is employed
13 by the institutional division or the state jail division of the
14 Texas Department of Criminal Justice and certified by the
15 department as having a normal job assignment that requires frequent
16 or infrequent regularly planned contact with, and in close
17 proximity to, inmates of the institutional division or inmates or
18 defendants confined in the state jail division without the
19 protection of bars, doors, security screens, or similar devices and
20 includes assignments normally involving supervision or the
21 potential for supervision of inmates in inmate housing areas,
22 educational or recreational facilities, industrial shops,
23 kitchens, laundries, medical areas, agricultural shops or fields,
24 or in other areas on or away from property of the institutional

1 division or the state jail division. The term includes a member who
2 transfers from the Texas Department of Criminal Justice to the
3 managed health care unit of The University of Texas Medical Branch
4 or the Texas Tech University Health Sciences Center pursuant to
5 Section 9.01, Chapter 238, Acts of the 73rd Legislature, 1993,
6 elects at the time of transfer to retain membership in the
7 retirement system, and is certified by the managed health care unit
8 or the health sciences center as having a normal job assignment
9 described by this subdivision.

10 SECTION 2. Sections 813.506(b) and (c), Government Code,
11 are amended to read as follows:

12 (b) To be creditable as custodial officer service, service
13 performed must be performed as a parole officer, ~~or~~ caseworker,
14 or juvenile correctional officer, or must meet the requirements of
15 the rules adopted under Subsection (a) and be performed by persons
16 in one of the following job categories:

17 (1) all persons classified as Correctional Officer I
18 through warden, including training officers and special operations
19 reaction team officers;

20 (2) all other employees assigned to work on a unit and
21 whose jobs require routine contact with inmates or defendants
22 confined in the state jail division, including but not limited to
23 farm managers, livestock supervisors, maintenance foremen, shop
24 foremen, medical assistants, food service supervisors, stewards,
25 education consultants, commodity specialists, and correctional
26 counselors;

27 (3) employees assigned to administrative offices

1 whose jobs require routine contact with inmates or defendants
2 confined in the state jail division at least 50 percent of the time,
3 including but not limited to investigators, compliance monitors,
4 accountants routinely required to audit unit operations,
5 sociologists, interviewers, classification officers, and
6 supervising counselors; and

7 (4) administrative positions whose jobs require
8 response to emergency situations involving inmates or defendants
9 confined in the state jail division, including but except as
10 specified not limited to the director, deputy directors, assistant
11 directors, and not more than 25 administrative duty officers.

12 (c) The Texas Department of Criminal Justice, the managed
13 health care unit of The University of Texas Medical Branch or the
14 Texas Tech University Health Sciences Center, the Texas Youth
15 Commission, or the Board of Pardons and Paroles, as applicable,
16 shall determine a person's eligibility to receive credit as a
17 custodial officer. A determination of the department, unit, or
18 board may not be appealed by an employee but is subject to change by
19 the retirement system.

20 SECTION 3. Section 815.505, Government Code, is amended to
21 read as follows:

22 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
23 CUSTODIAL OFFICERS. Not later than the 12th day of the month
24 following the month in which a person begins or ceases employment as
25 a law enforcement officer or custodial officer, the Public Safety
26 Commission, the Texas Alcoholic Beverage Commission, the Parks and
27 Wildlife Commission, the Board of Pardons and Paroles, the Texas

1 Youth Commission, or the Texas Board of Criminal Justice, as
2 applicable, shall certify to the retirement system, in the manner
3 prescribed by the system, the name of the employee and such other
4 information as the system determines is necessary for the crediting
5 of service and financing of benefits under this subtitle.

6 SECTION 4. The changes in law made by this Act apply only to
7 service that is performed and certified as custodial officer
8 service on or after the effective date of this Act.

9 SECTION 5. This Act takes effect September 1, 2007.