

By: Rose

H.B. No. 3596

A BILL TO BE ENTITLED

AN ACT

relating to compensation received by state employees working in certain high injury risk positions.

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

SECTION 1. Section 57.48(k)(1), Education Code, is amended to read as follows:

(1) "Compensation" means base salary or wages, longevity pay, high injury risk [~~hazardous duty~~] pay, benefit replacement pay, or an emolument provided in lieu of base salary or wages.

SECTION 2. Section 403.055(1)(1), Government Code, is amended to read as follows:

(1) "Compensation" means base salary or wages, longevity pay, high injury risk [~~hazardous duty~~] pay, benefit replacement pay, or an emolument provided in lieu of base salary or wages.

SECTION 3. Section 659.044(e), Government Code, is amended to read as follows:

(e) This subsection applies only to an employee of the Texas Juvenile Justice Department who is receiving less than the maximum amount of high injury risk [~~hazardous duty~~] pay that the department may pay to the employee under Section 659.303. The employee's monthly amount of longevity pay is the sum of:

(1) \$4 for each year of lifetime service credit, which

1 may not include any period served in a high injury risk [~~hazardous~~  
2 ~~duty~~] position; and

3 (2) the lesser of:

4 (A) \$4 for each year served in a high injury risk  
5 [~~hazardous duty~~] position; or

6 (B) the difference between:

7 (i) \$7 for each year served in a high injury  
8 risk [~~hazardous duty~~] position; and

9 (ii) the amount paid by the department for  
10 each year served in a high injury risk [~~hazardous duty~~] position.

11 SECTION 4. Section 659.046(f), Government Code, is amended  
12 to read as follows:

13 (f) The amount of an employee's lifetime service credit does  
14 not include the period served in a high injury risk [~~hazardous duty~~]  
15 position if the employee is:

16 (1) entitled to receive high injury risk [~~hazardous~~  
17 ~~duty~~] pay under Section 659.302; or

18 (2) receiving the maximum amount of high injury risk  
19 [~~hazardous duty~~] pay that the Texas Juvenile Justice Department may  
20 pay to the employee under Section 659.303.

21 SECTION 5. Section 659.124(c), Government Code, is amended  
22 to read as follows:

23 (c) In this section, "compensation" means annualized base  
24 salary or wages, including longevity and high injury risk  
25 [~~hazardous duty~~] pay.

26 SECTION 6. The heading to Subchapter L, Chapter 659,  
27 Government Code, is amended to read as follows:

1 SUBCHAPTER L. HIGH INJURY RISK [~~HAZARDOUS DUTY~~] PAY

2 SECTION 7. Sections 659.301(2) and (5), Government Code,  
3 are amended to read as follows:

4 (2) "High injury risk [~~Hazardous duty~~] position" means  
5 a position in the service of this state that:

6 (A) renders any individual holding that position  
7 a state employee; or

8 (B) requires the performance of a high injury  
9 risk [~~hazardous~~] duty.

10 (5) "State employee" means an individual who:

11 (A) is a commissioned law enforcement officer of  
12 the Department of Public Safety, the Texas Facilities Commission,  
13 the Texas Alcoholic Beverage Commission, the Texas Department of  
14 Criminal Justice, or the attorney general;

15 (B) is a commissioned security officer of the  
16 comptroller;

17 (C) is a law enforcement officer commissioned by  
18 the Parks and Wildlife Commission;

19 (D) is a commissioned peace officer of an  
20 institution of higher education;

21 (E) is an employee or official of the Board of  
22 Pardons and Paroles or the parole division of the Texas Department  
23 of Criminal Justice if the employee or official has routine direct  
24 contact with inmates of any penal or correctional institution or  
25 with administratively released prisoners subject to the board's  
26 jurisdiction;

27 (F) has been certified to the Employees

1 Retirement System of Texas under Section 815.505 as having begun  
2 employment as a law enforcement officer or custodial officer,  
3 unless the individual has been certified to the system as having  
4 ceased employment as a law enforcement officer or custodial  
5 officer; ~~or~~

6 (G) before May 29, 1987, received high injury  
7 risk ~~[hazardous-duty]~~ pay based on the terms of any state law if the  
8 individual holds a position designated under that law as eligible  
9 for the pay; or

10 (H) is an employee of a state supported living  
11 center as defined by Section 531.002, Health and Safety Code, or a  
12 state hospital if the employee is in direct contact with patients  
13 for more than 50 percent of the employee's time working in the  
14 facility.

15 SECTION 8. The heading to Section 659.302, Government Code,  
16 is amended to read as follows:

17 Sec. 659.302. ENTITLEMENT TO RECEIVE HIGH INJURY RISK  
18 ~~[HAZARDOUS DUTY]~~ PAY.

19 SECTION 9. Section 659.302(a), Government Code, is amended  
20 to read as follows:

21 (a) High injury risk ~~[Hazardous-duty]~~ pay is included in the  
22 compensation paid to an individual for services rendered during a  
23 month if the individual:

24 (1) is a state employee for any portion of the first  
25 workday of the month; and

26 (2) has completed at least 12 months of lifetime  
27 service credit not later than the last day of the preceding month.

1 SECTION 10. Sections 659.303(a) and (d), Government Code,  
2 are amended to read as follows:

3 (a) The department may include high injury risk [~~hazardous~~  
4 ~~duty~~] pay in the compensation paid to an individual for services  
5 rendered during a month if the individual:

6 (1) has routine direct contact with youth:

7 (A) placed in a residential facility of the  
8 department; or

9 (B) released under the department's supervision;  
10 and

11 (2) has completed at least 12 months of lifetime  
12 service credit not later than the last day of the preceding month.

13 (d) The department may not pay high injury risk [~~hazardous~~  
14 ~~duty~~] pay:

15 (1) from funds authorized for payment of an  
16 across-the-board employee salary increase; or

17 (2) to an employee who works at the department's  
18 central office.

19 SECTION 11. Section 659.304, Government Code, is amended to  
20 read as follows:

21 Sec. 659.304. INELIGIBILITY TO RECEIVE HIGH INJURY RISK  
22 [~~HAZARDOUS DUTY~~] PAY. High injury risk [~~Hazardous duty~~] pay may be  
23 paid only to an individual who is:

24 (1) entitled to receive the pay under Section 659.302;  
25 or

26 (2) eligible to receive the pay under Section 659.303.

27 SECTION 12. The heading to Section 659.305, Government

1 Code, is amended to read as follows:

2 Sec. 659.305. AMOUNT OF HIGH INJURY RISK [~~HAZARDOUS DUTY~~  
3 PAY.

4 SECTION 13. Sections 659.305(a), (b), (f), and (h),  
5 Government Code, are amended to read as follows:

6 (a) Except as provided by Subsections (b) and (h), the  
7 amount of a full-time state employee's high injury risk [~~hazardous~~  
8 ~~duty~~] pay for a particular month is \$10 for each 12-month period of  
9 lifetime service credit accrued by the employee.

10 (b) This subsection applies only to a state employee whose  
11 compensation for services provided to the state during any month  
12 before August 1987 included high injury risk [~~hazardous-duty~~] pay  
13 that was based on total state service performed before May 29, 1987.  
14 The amount of a full-time state employee's high injury risk  
15 [~~hazardous-duty~~] pay for a particular month is the sum of:

16 (1) \$10 for each 12-month period of state service  
17 credit the employee finished accruing before May 29, 1987; and

18 (2) \$10 for each 12-month period of lifetime service  
19 credit that the employee accrued after the date, which must be  
20 before May 29, 1987, on which the employee finished accruing the  
21 last 12-month period of state service credit.

22 (f) The amount of a part-time state employee's high injury  
23 risk [~~hazardous-duty~~] pay is proportional to the amount of a  
24 full-time state employee's pay under Subsection (a), (b), or (h).

25 (h) The amount of high injury risk [~~hazardous-duty~~] pay for  
26 a particular month for a full-time correctional officer employed by  
27 the Texas Department of Criminal Justice is the lesser of:

1           (1) \$12 for each 12-month period of lifetime service  
2 credit accrued by the employee; or

3           (2) \$300.

4           SECTION 14. Section 659.306, Government Code, is amended to  
5 read as follows:

6           Sec. 659.306. RESPONSIBILITY FOR PAYING HIGH INJURY RISK  
7 [~~HAZARDOUS DUTY~~] PAY. The state agency that employs an individual  
8 at the beginning of the first workday of a month must pay any high  
9 injury risk [~~hazardous duty~~] pay that is included in the  
10 compensation paid to the individual for services rendered during  
11 that month. If the individual transfers to a second state agency  
12 during that month, the first agency remains responsible for paying  
13 the full amount of high injury risk [~~hazardous duty~~] pay for that  
14 month.

15           SECTION 15. Section 659.307, Government Code, is amended to  
16 read as follows:

17           Sec. 659.307. SERVICE CREDIT. (a) The amount of an  
18 individual's lifetime service credit equals the number of months  
19 the individual has served in a high injury risk [~~hazardous duty~~]  
20 position during the individual's lifetime.

21           (b) The amount of an individual's state service credit  
22 equals the sum of:

23           (1) the amount of the individual's lifetime service  
24 credit, as determined under Subsection (a); and

25           (2) the number of months during the individual's  
26 lifetime that the individual has provided services to the state in a  
27 position that is not a high injury risk [~~hazardous duty~~] position.

1 SECTION 16. Section 661.034(b), Government Code, is amended  
2 to read as follows:

3 (b) Under this section, rate of compensation:

4 (1) includes an emolument in lieu of base pay for which  
5 the state employee was eligible on the last day of employment; and

6 (2) does not include longevity or high injury risk  
7 [~~hazardous-duty~~] pay.

8 SECTION 17. Section 661.063(c), Government Code, is amended  
9 to read as follows:

10 (c) Under this section, rate of compensation:

11 (1) includes an emolument in lieu of base pay for which  
12 the state employee was eligible; and

13 (2) does not include longevity or high injury risk  
14 [~~hazardous-duty~~] pay.

15 SECTION 18. Section 661.067(b), Government Code, is amended  
16 to read as follows:

17 (b) A state employee who remains on the payroll of a state  
18 agency under this section:

19 (1) is entitled to continue to receive all  
20 compensation and benefits that the state employee was receiving on  
21 the employee's last day of duty, including paid holidays, longevity  
22 pay, and high injury risk [~~hazardous-duty~~] pay;

23 (2) is entitled to a general salary increase for state  
24 employees that takes effect before the employee's accrued vacation  
25 time is exhausted; and

26 (3) may not use sick leave or accrue sick leave or  
27 vacation time.



1 SECTION 19. Section 666.001(1), Government Code, is amended  
2 to read as follows:

- 3 (1) "Compensation" includes:  
4 (A) base salary or wages;  
5 (B) longevity or high injury risk [~~hazardous~~  
6 ~~duty~~] pay;  
7 (C) benefit replacement pay;  
8 (D) a payment for the balance of vacation and  
9 sick leave under Subchapter B, Chapter 661;  
10 (E) a payment for the accrued balance of vacation  
11 time under Subchapter C, Chapter 661; and  
12 (F) an emolument provided in lieu of base salary  
13 or wages.

14 SECTION 20. Section 811.001(7), Government Code, is amended  
15 to read as follows:

- 16 (7) "Compensation" means the base salary of a person;  
17 amounts that would otherwise qualify as compensation but are not  
18 received directly by a person pursuant to a good faith, voluntary,  
19 written salary reduction agreement in order to finance payments to  
20 a deferred compensation or tax sheltered annuity program  
21 specifically authorized by state law or to finance benefit options  
22 under a cafeteria plan qualifying under Section 125 of the Internal  
23 Revenue Code of 1986 (26 U.S.C. Section 125); longevity and high  
24 injury risk [~~hazardous-duty~~] pay; nonmonetary compensation, the  
25 value of which is determined by the retirement system; amounts by  
26 which a person's salary is reduced under a salary reduction  
27 agreement authorized by Chapter 610; and the benefit replacement

1 pay a person earns under Subchapter H, Chapter 659, [~~as added by~~  
2 ~~Chapter 417, Acts of the 74th Legislature, 1995,~~] except for the  
3 benefit replacement pay a person earns as a result of a payment made  
4 under Subchapter B, C, or D, Chapter 661. The term excludes  
5 overtime pay and a cleaning or clothing allowance.

6 SECTION 21. Section 814.203(c), Government Code, is amended  
7 to read as follows:

8 (c) For the purposes of this section, "comparable pay" means  
9 80 percent or more of the member's final state employment base pay  
10 before deductions for taxes or deferred compensation under state  
11 and federal law, including any longevity or high injury risk  
12 [~~hazardous duty~~] pay, but excluding the monetary value of any  
13 insurance or retirement benefits. Comparable pay may be adjusted  
14 by the retirement system to account for adjustments in state pay  
15 rates.

16 SECTION 22. This Act takes effect September 1, 2019.