

By: Gutierrez

S.B. No. 1410

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:

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

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

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

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

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

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

(A) is a commissioned law enforcement officer of the Department of Public Safety, the Texas Facilities Commission, the Texas Alcoholic Beverage Commission, the Texas Department of Criminal Justice, the attorney general, or the insurance fraud unit of the Texas Department of Insurance;

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

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

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

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

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

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

11 (H) is a security officer employed by the Texas
12 Military Department; or

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

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

20 Sec. 659.302. ENTITLEMENT TO RECEIVE HIGH INJURY RISK
21 [~~HAZARDOUS DUTY~~] PAY.

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

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

27 (1) is a state employee for any portion of the first

1 workday of the month; and

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

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

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

9 (1) has:

10 (A) routine direct contact with youth:

11 (i) placed in a residential facility of the
12 department; or

13 (ii) released under the department's
14 supervision; and

15 (B) completed at least 12 months of lifetime
16 service credit not later than the last day of the preceding month;
17 or

18 (2) is an investigator, inspector general, security
19 officer, or apprehension specialist employed by the office of the
20 inspector general of the department.

21 (d) Except for the inclusion of high injury risk [~~hazardous~~
22 ~~duty~~] pay in the compensation paid to an individual described by
23 Subsection (a)(2), the department may not pay high injury risk
24 [~~hazardous-duty~~] pay:

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

27 (2) to an employee who works at the department's

1 central office.

2 SECTION 11. Section 659.304, Government Code, is amended to
3 read as follows:

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

7 (1) entitled to receive the pay under Section 659.302;

8 or

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

10 SECTION 12. The heading to Section 659.305, Government
11 Code, is amended to read as follows:

12 Sec. 659.305. AMOUNT OF HIGH INJURY RISK [~~HAZARDOUS DUTY~~]
13 PAY.

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

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

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

26 (1) \$10 for each 12-month period of state service
27 credit the employee finished accruing before May 29, 1987; and

1 (2) \$10 for each 12-month period of lifetime service
2 credit that the employee accrued after the date, which must be
3 before May 29, 1987, on which the employee finished accruing the
4 last 12-month period of state service credit.

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

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

11 (1) \$12 for each 12-month period of lifetime service
12 credit accrued by the employee; or

13 (2) \$300.

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

16 Sec. 659.306. RESPONSIBILITY FOR PAYING HIGH INJURY RISK
17 [~~HAZARDOUS DUTY~~] PAY. The state agency that employs an individual
18 at the beginning of the first workday of a month must pay any high
19 injury risk [~~hazardous duty~~] pay that is included in the
20 compensation paid to the individual for services rendered during
21 that month. If the individual transfers to a second state agency
22 during that month, the first agency remains responsible for paying
23 the full amount of high injury risk [~~hazardous duty~~] pay for that
24 month.

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

27 Sec. 659.307. SERVICE CREDIT. (a) The amount of an

1 individual's lifetime service credit equals the number of months
2 the individual has served in a high injury risk [~~hazardous duty~~]
3 position during the individual's lifetime.

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

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

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

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

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

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

16 (2) does not include longevity or high injury risk
17 [~~hazardous duty~~] pay.

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

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

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

23 (2) does not include longevity or high injury risk
24 [~~hazardous duty~~] pay.

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

27 (b) A state employee who remains on the payroll of a state

1 agency under this section:

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

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

9 (3) may not use sick leave or accrue sick leave or
10 vacation time.

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

13 (1) "Compensation" includes:

14 (A) base salary or wages;

15 (B) longevity or high injury risk [~~hazardous~~
16 ~~duty~~] pay;

17 (C) benefit replacement pay;

18 (D) a payment for the balance of vacation and
19 sick leave under Subchapter B, Chapter 661;

20 (E) a payment for the accrued balance of vacation
21 time under Subchapter C, Chapter 661; and

22 (F) an emolument provided in lieu of base salary
23 or wages.

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

26 (7) "Compensation" means the base salary of a person;
27 amounts that would otherwise qualify as compensation but are not

1 received directly by a person pursuant to a good faith, voluntary,
2 written salary reduction agreement in order to finance payments to
3 a deferred compensation or tax sheltered annuity program
4 specifically authorized by state law or to finance benefit options
5 under a cafeteria plan qualifying under Section 125 of the Internal
6 Revenue Code of 1986 (26 U.S.C. Section 125); longevity and high
7 injury risk [~~hazardous duty~~] pay; nonmonetary compensation, the
8 value of which is determined by the retirement system; amounts by
9 which a person's salary is reduced under a salary reduction
10 agreement authorized by Chapter 610; and the benefit replacement
11 pay a person earns under Subchapter H, Chapter 659, [~~as added by~~
12 ~~Chapter 417, Acts of the 74th Legislature, 1995,~~] except for the
13 benefit replacement pay a person earns as a result of a payment made
14 under Subchapter B, C, or D, Chapter 661. The term excludes
15 overtime pay and a cleaning or clothing allowance.

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

18 (c) For the purposes of this section, "comparable pay" means
19 80 percent or more of the member's final state employment base pay
20 before deductions for taxes or deferred compensation under state
21 and federal law, including any longevity or high injury risk
22 [~~hazardous duty~~] pay, but excluding the monetary value of any
23 insurance or retirement benefits. Comparable pay may be adjusted
24 by the retirement system to account for adjustments in state pay
25 rates.

26 SECTION 22. This Act takes effect September 1, 2021.