

By: A. Johnson of Harris

H.B. No. 2887

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for custodial officer service in the Employees Retirement System of Texas by certain juvenile correctional officers and caseworkers employed by the Texas Juvenile Justice Department.

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

SECTION 1. Section 811.001, Government Code, is amended by amending Subdivision (8) and adding Subdivision (8-b) to read as follows:

(8) "Custodial officer" means a member of the retirement system who is employed by the Board of Pardons and Paroles or the Texas Department of Criminal Justice as a parole officer or caseworker, who is employed by the Texas Juvenile Justice Department as a juvenile correctional officer or caseworker, or who is employed by the correctional institutions division of the Texas Department of Criminal Justice and certified by the department as having a normal job assignment that requires frequent or infrequent regularly planned contact with, and in close proximity to, inmates or defendants of the correctional institutions division without the protection of bars, doors, security screens, or similar devices and includes assignments normally involving supervision or the potential for supervision of inmates in inmate housing areas, educational or recreational facilities, industrial shops, kitchens, laundries, medical areas,

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

11 (8-b) "Juvenile correctional officer" has the meaning  
12 assigned by Section 242.009, Human Resources Code.

13 SECTION 2. Section 813.0015, Government Code, is amended to  
14 read as follows:

15 Sec. 813.0015. PROVISIONS APPLICABLE TO CASH BALANCE GROUP  
16 MEMBERS. The following provisions of this chapter do not apply to a  
17 cash balance group member:

18 (1) Sections 813.102, 813.104, 813.106, 813.202,  
19 813.402, 813.403, 813.404, 813.502, 813.504, 813.505, [~~813.506~~],  
20 813.509, 813.511, 813.513, and 813.514; and

21 (2) Subchapter D.

22 SECTION 3. Sections 813.506(b) and (c), Government Code,  
23 are amended to read as follows:

24 (b) To be creditable as custodial officer service, service  
25 performed must be performed as a parole officer, ~~or~~ caseworker,  
26 or juvenile correctional officer or must meet the requirements of  
27 the rules adopted under Subsection (a) and be performed by persons

in one of the following job categories:

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

(2) all other employees assigned to work on a unit and whose jobs require routine contact with inmates or defendants, including but not limited to farm managers, livestock supervisors, maintenance foremen, shop foremen, medical assistants, food service supervisors, stewards, education consultants, commodity specialists, and correctional counselors;

(3) employees assigned to administrative offices whose jobs require routine contact with inmates or defendants at least 50 percent of the time, including but not limited to investigators, compliance monitors, accountants routinely required to audit unit operations, sociologists, interviewers, classification officers, and supervising counselors; and

(4) administrative positions whose jobs require response to emergency situations involving inmates or defendants, including but except as specified not limited to the director, deputy directors, assistant directors, and not more than 25 administrative duty officers.

(c) The Texas Department of Criminal Justice, the managed health care unit of The University of Texas Medical Branch or the Texas Tech University Health Sciences Center, the Texas Juvenile Justice Department, or the Board of Pardons and Paroles, as applicable, shall determine a person's eligibility to receive credit as a custodial officer. A determination under this

1 subsection [~~of the department, unit, or board~~] may not be appealed  
2 by an employee but is subject to change by the retirement system.

3 SECTION 4. Section 815.505, Government Code, is amended to  
4 read as follows:

5 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND  
6 CUSTODIAL OFFICERS. Not later than the 12th day of the month  
7 following the month in which a person begins or ceases employment as  
8 a law enforcement officer or custodial officer, the Public Safety  
9 Commission, the Texas Alcoholic Beverage Commission, the Parks and  
10 Wildlife Commission, the office of inspector general at the Texas  
11 Juvenile Justice Department, the Texas Juvenile Justice  
12 Department, the Board of Pardons and Paroles, or the Texas Board of  
13 Criminal Justice, as applicable, shall certify to the retirement  
14 system, in the manner prescribed by the system, the name of the  
15 employee and such other information as the system determines is  
16 necessary for the crediting of service and financing of benefits  
17 under this subtitle.

18 SECTION 5. (a) The changes in law made by this Act apply:

19 (1) to a member of the Employees Retirement System of  
20 Texas who is employed by the Texas Juvenile Justice Department as a  
21 juvenile correctional officer or caseworker on or after the  
22 effective date of this Act regardless of whether the member was  
23 hired by the department before, on, or after the effective date of  
24 this Act; and

25 (2) except as provided by Subsection (b) of this  
26 section, only to service credit that is established on or after the  
27 effective date of this Act.

1           (b) Service credit established by a member who is employed  
2 by the Texas Juvenile Justice Department as a juvenile correctional  
3 officer or caseworker and who is not subject to Chapter 820,  
4 Government Code, that was earned by the member in the position of a  
5 juvenile correctional officer or caseworker before the effective  
6 date of this Act, is considered service credit established as a  
7 custodial officer for purposes of determining the benefits payable  
8 from the law enforcement and custodial officer supplemental  
9 retirement fund.

10          (c) Notwithstanding Subsection (b) of this section, a  
11 member subject to that subsection may not receive benefits payable  
12 from the law enforcement and custodial officer supplemental  
13 retirement fund based on the service credit described by that  
14 subsection if the member retires before September 1, 2025.

15          (d) As soon as practical after the effective date of this  
16 Act, the board of trustees of the Employees Retirement System of  
17 Texas, in consultation with the Texas Juvenile Justice Department,  
18 shall adopt rules necessary to implement the changes in law made by  
19 this Act.

20          (e) The Texas Juvenile Justice Department shall:

21               (1) as soon as practical after the effective date of  
22 this Act, certify to the Employees Retirement System of Texas, in  
23 the form and manner prescribed by the board of trustees of the  
24 retirement system:

25                       (A) the name of each member who is employed by the  
26 department as a juvenile correctional officer or caseworker on the  
27 effective date of this Act;

1                   (B) if the member is subject to Subsection (b) of  
2 this section, the amount of service credit established by the  
3 member as a juvenile correctional officer or caseworker before the  
4 effective date of this Act; and

5                   (C) any other information the retirement system  
6 determines is necessary to credit custodial officer service in  
7 accordance with the changes in law made by this Act; and

8                   (2) beginning with the first pay period that occurs  
9 after the effective date of this Act and with respect to each member  
10 employed by the department as a juvenile correctional officer or  
11 caseworker, begin making deductions and collecting contributions  
12 for the law enforcement and custodial officer supplemental  
13 retirement fund as prescribed by Section [815.402\(h\)](#), Government  
14 Code.

15           SECTION 6. This Act takes effect September 1, 2023.