

Salary Adjustment

Z-2008-09 Biennium

Effective date 09/01/2007

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I. GRANT DESCRIPTION.

- A. The Salary Adjustment grant provides funding to juvenile probation departments in the amount of \$2,850.00 for certified juvenile probation officers and \$1,425.00 for certified juvenile detention officers as a salary supplement.

II. GRANT SPECIFIC DEFINITIONS.

- A. **Active Certification.** Active certification means a certification that has not expired and is in good standing with the Commission.
- B. **Full-time Officer.** An officer who works a minimum of 35 hours per week or who is classified as full-time according to county policies.
- C. **Juvenile Detention Officer.** An individual who holds an active juvenile detention officer certification issued by the Commission.
- D. **Juvenile Probation Officer.** An individual who holds an active juvenile probation certification issued by the Commission.
- E. **Caseload.** The number of cases for which a certified juvenile probation officer is authorized under the Commission's standards to provide probation supervision and services.

III. PROGRAM MEASURES.

- A. **Goal.** The goal of the Salary Adjustment grant is to reduce delinquency, increase offender accountability and rehabilitate juvenile offenders through a comprehensive, coordinated, community-based juvenile probation system.
- B. **Program Objective.** The objective of the Salary Adjustment grant is to supplement certified juvenile probation and detention officer salaries in order to increase the retention of these officers.
- C. **Program Performance.** Grantee performance under the grant shall be determined using the following measures:
 1. Number of full-time, certified juvenile probation officers receiving the salary adjustment; and
 2. Number of full-time, certified juvenile detention officers receiving the salary adjustment.

IV. PROGRAMMATIC COMPONENTS.

- A. **Use of Salary Adjustment Funds.** Unless otherwise authorized by Sections IV (B) or IV (C), the Grantee shall use funding provided under this grant to adjust upward the salaries and or fringe benefits of eligible juvenile probation officers by a minimum of \$2,850.00 per year. The Grantee shall adjust upward the salaries and or fringe of eligible juvenile detention officers by a minimum of \$1,425.00 per year. The Grantee shall use the eligibility criteria listed in Section IV (D) to determine which officers are eligible for the salary adjustment. The Grantee shall ensure that the salary adjustments made under this grant shall not be based on merit.
- B. **Surplus Funding.** In the event the number of eligible positions funded under Section IV (A) exceeds the number of positions funded, the Grantee may use any remaining funds to further adjust eligible officer salaries provided that the maximum adjustment (including fringe benefits) an eligible juvenile probation officer may receive with grant funds is \$3,000.00 per year and the maximum adjustment an eligible juvenile detention officer may receive with grant funds is \$1,500.00 per year. If remaining funds are used to adjust eligible officer salaries to levels above the minimum allowed, the funds shall be evenly distributed within categories of officers.

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- C. **Insufficient Funding.** In the event the number of eligible juvenile probation officers and juvenile detention officers exceeds the number of eligible officers funded under this grant, the Grantee may proportionately reduce the salary adjustment amount received by each category of officers subject to the following provisions:
1. The salary of an eligible officer receiving the allocated salary adjustment funds as of September 1 of each fiscal year in the current grant period shall not receive a reduction in salary adjustment funds during the fiscal year of the grant period if the officer maintains eligibility;
 2. Officers who become eligible to receive the salary adjustment on or after September 1 of each fiscal year may receive a reduction in the salary adjustment below the minimum amounts established by this grant provided that all certified officers within the same class who become eligible on or after September 1 of each fiscal year receive the same reduction; and
 3. All funds obtained by such reduction shall be applied to increase the supplement of officers in another category. However, in no circumstance may a certified juvenile probation officer receive a salary supplement (including fringe benefits) of more than \$3,000.00 or a certified juvenile detention officer receive a supplement of more than \$1,500.00.
- D. **Officer Eligibility.** The Grantee shall use the following eligibility criteria to determine which certified juvenile probation and/or detention officers will receive a salary adjustment with funding received under this grant. The Grantee shall ensure only eligible officers receive the salary adjustment funds.
1. **Criteria.**
 - a. **Active Certification.** The juvenile probation or detention officer shall have an active certification issued by the Commission. An officer with a recertification application filed and pending with the Commission has an active certification provided the recertification application was received by the Commission within the 60 calendar days subsequent to the certification's expiration date in accordance with Title 37 Texas Administrative Code Section 349.11(c)(1) or before the expiration of an extension issued under Section 349.11(c)(2)(B) or whose certification is administratively "on hold" by the Commission.
 - i. **Inactive Certification.** The following are not considered active certifications and are not eligible for salary adjustment funds:
 - (a) Individuals who have an original certification application pending with the Commission;
 - (b) Individuals whose certification is under a suspension order issued by the Commission under Title 37 Texas Administrative Code Section 349.27(d)(2) or Section 349.31;
 - (c) Individuals who have had their certification revoked by the Commission under Title 37 Texas Administrative Code Section 349.27 (d)(3) or its predecessors;
 - (d) Individuals whose certification has expired for failure to complete the recertification requirements under Title 37 Texas Administrative Code Section 349.10(a) or failure to submit a recertification application within 60 calendar days subsequent to the certification's expiration date under Section 349.11(c)(1), including failure to submit a recertification application before the expiration of an extension issued under Section 349.11(c)(2)(B);
 - (e) Individuals whose certifications have been placed on inactive status under Title 37 Texas Administrative Code Section 349.13(c)(1);
 - (f) Individuals whose certification has a defect or flaw known to the Commission and which, in the opinion of the Commission, renders the individual ineligible for certification or recertification; or
 - (g) Individuals with provisional certifications under Title 37 Texas Administrative Code Section 349.9.

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- b. **Caseload Criteria.** An officer eligible to receive funding under this grant, shall in addition to any other duties and responsibilities, act as the primary supervising officer for a court ordered and deferred prosecution caseload and meet the criteria set forth in Section IV (D).
 - c. **Full-Time Status.** An officer shall be employed on a full-time basis in order to be eligible for the salary adjustment.
 - d. **Multiple Certifications.** A full-time employee who holds multiple active certifications issued by the Commission may receive only one salary adjustment based upon the highest certification the employee holds.
2. **Changes in Eligibility Status.**
- a. **Obtaining Eligibility.** In the event an officer previously ineligible to receive the salary adjustment becomes eligible by meeting the criteria listed in Article IV of this grant, the Grantee may adjust the officer's salary effective the first day the officer met the criteria listed in Article IV, providing such funds are available.
 - b. **Military Status.** When an eligible officer called to active military duty is paid a salary that includes Commission funds, the person may continue to receive the Commission funds for the salary adjustment while on active military duty in accordance with the following:
 - i. If the Grantee has a policy that provides for the payment of the eligible officer's salary while on military duty and the Grantee in fact pays the salary or any portion thereof, the Commission will continue to provide the funds for the salary adjustment in proportion to the amount of funds being expended.
 - ii. If the Grantee does not have a policy that provides for the payment of the officer's salary while on military duty and does not continue to pay the salary of the person who has been called to military duty, the individual becomes ineligible for the salary adjustment during the term of active military duty and the Commission will not continue to provide any funds for the salary adjustment.
 - (a) An officer who returns from military duty to active employment status with a juvenile probation department or facility is eligible to receive the salary adjustment funds beginning with the date of return to active employment status.
3. **Eligibility During Certification Transfers.** The Grantee may not pay the salary adjustment to an officer whose certification is inactive as a result of a pending transfer of certification from one juvenile probation department or facility to another. A person may not perform the duties of a certified officer while on inactive status under Section 349.13 of the Title 37 Texas Administrative Code.
4. **Loss of Eligibility.** In the event an officer who is receiving a salary adjustment provided through this grant no longer meets the eligibility criteria listed in Paragraph IV (D)(1)(a), the Grantee shall suspend the officer's salary adjustment until the first day the officer fully meets the eligibility criteria found in Paragraph IV (D)(1)(a).
5. **Exceptions.** The Commission may, through a review of extenuating circumstances, determine that an individual or juvenile probation department has substantially met the intent of the standards and is taking corrective actions which have been approved by the Commission. In those cases, the Commission may, at its sole discretion, grant an exception and allow funding for the salary adjustment requirements. If requested, the Grantee shall submit supporting documentation to the Commission.
6. **Hold Harmless.** The Grantee shall hold harmless the Commission, its board members and employees from any litigation that results from or includes the Grantee's implementation or expenditure of funds received under this grant.

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V. PROGRAMMATIC REPORTING.

- A. **Annual Reports.** None.
- B. **Quarterly Reports.** None.
- C. **Monthly Reports.** None.
- D. **Other Periodic Reports.** See General Grant Requirements.

VI. PROGRAMMATIC MONITORING.

- A. **On-Site Monitoring.** See General Grant Requirements.
- B. **Unannounced On-Site Monitoring Visits.** See General Grant Requirements.
- C. **Desk Audits.** See General Grant Requirements.
- D. **Other.** None.

VII. APPLICABLE LAW, POLICY AND PROCEDURE. The Grantee shall comply with the following applicable state laws, federal laws, standards, policies and procedures as they currently exist or as amended, revised or enacted during the term of this Contract:**A. Applicable Standards.****1. Texas Administrative Code (TAC) Title 37 Public Safety and Corrections.**

- a. Chapter 341 – Texas Juvenile Probation Commission.
- b. Chapter 343 – Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities.
- c. Chapter 349 – General Administrative Standards.
- d. Chapter 351 – Short-Term Detention Facilities.

B. General Statutes.

- 1. **Federal Law.** See General Grant Requirements.
- 2. **State Law.** See Also General Grant Requirements.
 - a. **Texas Family Code, Title III, Juvenile Justice Code.**
 - i. Chapter 60 – Uniform Interstate Compact on Juveniles.
 - b. **Texas General Appropriations Act.**
 - c. **Texas Government Code, Title 7, Uniform Grant and Contract Management.**
 - i. Chapter 783 - Uniform Grant and Contract Management Act.

C. Policy and Procedure.

- 1. **Texas Juvenile Probation Compliance Resource Manual, Volumes 1 - 2.**

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VIII. FINANCIAL COMPONENTS.

- A. **Allowable Expenditure of Funds.** The Grantee shall distribute funds under this grant to juvenile probation and detention officers who meet the eligibility requirements determined by the Grantee pursuant to the requirements of this grant and the funds shall be used only for the salary adjustment. The maximum amount of salary adjustment funds allowable under this grant (including fringe benefits) for an eligible juvenile probation officer is \$3,000.00 per year and the maximum allowable salary adjustment funds an eligible juvenile detention officer shall receive with grant funds is \$1,500.00 per year.
- B. **Unallowable Expenditure of Funds.** All expenditures are unallowable with the exception of those identified in Section VIII (A).
- C. **Financial Match Requirements.** The Grantee shall ensure that county funding for juvenile services (i.e., juvenile probation services and juvenile justice programs) shall not be decreased or be supplanted by funding received under this grant. The Grantee shall certify that the amount of local or county funds expended for juvenile services is at least equal to or greater than the amount spent in the 2001 county fiscal year excluding construction and capital outlay expenses.
- D. **Funding Adjustments.** See General Grant Requirements.
1. **Reduction of Grant Payments.** See General Grant Requirements.
 2. **Unexpended Balances.** See General Grant Requirements.
 3. **Overpayments.** See General Grant Requirements.
 4. **Refunds Due.** See Also General Grant Requirements.
 - a. **Reimbursement of Funds.** In the event an officer who is receiving a salary adjustment from funds provided through this grant no longer meets the eligibility criteria listed in Section IV (D), the Grantee shall reimburse the officer's salary adjustment funds to the Commission in accordance with the provisions listed below:
 - i. **Negligent Administrative Processing of Officer Certification Applications.** There may be certain consequences for negligent administrative processing of officer certification and recertification applications on the part of the Grantee. Failure to meet the requirements set forth in the Chapter 349 Compliance Resource Manual (CRM) and in the Certification Guidelines Manual (CGM) and the failure to ensure the timely and accurate filing of a recertification application may constitute negligence or a lack of due diligence.
 - ii. **Fiscal Consequences.** The Grantee shall be required to reimburse the Commission funds allocated under the State Financial Assistance Contract as a result of the breach of the terms of the provision contained in this or any other applicable individual grant subject to the provisions below:
 - (a) If the officer becomes ineligible as a result of Grantee's negligence, administrative failure to use due diligence in ensuring the continued certification of the officer, or as a result of a submission error, reimbursement of the salary adjustment funds is the sole responsibility of the Grantee. In no case shall the officer be required to directly reimburse the Commission or the Grantee for salary adjustment funds received under this grant.
 - (b) If the officer becomes ineligible as a result of personal negligence or the officer failed to meet the basic eligibility criteria for certification and/or recertification, the Grantee shall reimburse the Commission all salary adjustment funds from the date of ineligibility. The Grantee may, at its sole discretion, seek reimbursement of the salary adjustment funds from the officer.
- E. **Timely Expenditure of Grant Funds.** See General Grant Requirements.
- F. **Audits.** See General Grant Requirements.

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G. Financial Assurances. See Also General Grant Requirements.

1. The grant funds made available for salary adjustments under Article IV of this grant were used only to provide salary adjustments not exceeding \$3,000.00 for eligible full-time certified juvenile probation officers and \$1,500.00 for eligible full-time certified juvenile detention officers including fringe benefits per fiscal year of the grant period.
2. The amount of county funds expended for juvenile services (i.e., juvenile probation services and juvenile justice programs) were equal to or greater than the amount spent in the 2001 fiscal year, excluding construction and capital outlay expenses per fiscal year of the grant period.

H. Service Providers. None.**IX. FINANCIAL REPORTING.****A. Annual Reports.**

1. The Grantee shall submit a completed *Annual Budget Application* concurrent with the submission of the executed State Financial Assistance Contract for the Commission's approval. The *Annual Budget Application* shall be submitted electronically as specified by the Commission per fiscal year.
2. The Grantee shall submit an updated *Salary and Fringe Benefits Spreadsheet* included in the *Annual Budget Application* electronically in the format designated by the Commission within 45 calendar days after the end of each fiscal year of the current grant period (i.e. October 15). The updated *Salary and Fringe Benefits Spreadsheet* will identify the amount of the salary adjustment and the duration of time paid for each officer under this grant. The Commission may issue an NCCR if the *Salary and Fringe Benefits Spreadsheet* is not received by the due date.

B. Quarterly Reports. The Grantee shall report the expenditure of all funds received through this grant on the *Quarterly Expenditure Report*. Reports shall be received by the Commission no later than January 15, April 15, July 15 and October 15 of the current fiscal year of the biennium, respectively. Funds may be temporarily suspended if a *Quarterly Expenditure Report* is not received by the due date.**C. Monthly Reports.** None.**D. Other Periodic Reports.** See General Grant Requirements .**X. FINANCIAL MONITORING.****A. Annual Monitoring.** See General Grant Requirements.**B. Periodic Monitoring.** See General Grant Requirements.