

**Chapter: Salary Actions**  
**Title: Retention Bonuses**

**Effective Date: 12/1/11**  
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**New**

ACA Standard(s): N/A

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(a) **Policy.**

The Government Code Chapter 659 section 262 authorizes the Texas Juvenile Justice Department (TJJD) to provide one-time retention bonuses in order to **retain current** TJJD employees in certain critical classified positions.

(b) **Retention Bonus Eligibility.**

- (1) The employee must complete at least 12 combined consecutive months of service with TJJD, Texas Youth Commission, and Texas Juvenile Probation Commission in a classified position and be a full time employee within the 12 consecutive months of service.
- (2) Retention bonuses may be utilized, on a case-by-case basis, for the retention of employees in critical classified positions at facilities where it is difficult to recruit and retain employees. The critical classified positions are:
  - (A) psychologists (Ph.D.) and associate psychologists;
  - (B) directors of clinical services (Ph.D.);
  - (C) chemical dependency (LCDC) caseworkers; and
  - (D) any position that is selected by the Executive Director or the Deputy Executive Director.
- (3) The retention bonus is considered deferred compensation, and an employee to whom the retention bonus is offered must enter into a retention bonus deferred compensation agreement under which payment of the retention bonus will be owed only if the employee remains in the position for 12 months after the execution of the agreement. **Payment of the retention bonus is contingent upon the employee's satisfactory performance appraisal during this period.**

(c) **Retention Bonus Requirements.**

- (1) The amount of the retention bonus will be determined on a case-by-case basis, but under no circumstances, may the retention bonus exceed a total amount of \$5000. Although statute provides for retention bonuses of up to \$5000, the General Appropriations Act limits the retention bonus to \$3000 paid from appropriated funds. **Funds must be available in order to proceed with a retention bonus agreement.**
- (2) The retention bonus will be paid to the employee on the month after the conclusion of the 12 months of service under the retention bonus deferred compensation agreement. This bonus will NOT affect the eligibility of the employee for a merit salary increase or promotion.

(d) **Procedures.**

- (1) The chief local administrator (CLA) must seek approval for a retention bonus by completing the Retention Bonus Authorization Request form, HR-032 and submit the form to the appropriate department director and the appropriate division director.
- (2) If the appropriate department director and the appropriate division director approve the retention bonus request, the appropriate department director and the appropriate division director must sign HR-032 form and forward the form to the Human Resources Director. If the appropriate department director and the appropriate division **do not** approve the request, the form is forwarded to the CLA with an explanation.

- (3) The Human Resources Director verifies that the employee is eligible to receive the retention bonus. If the Human Resources Director approves the request, he/she must sign the HR-032 form and forward the form to the Executive Director through the Deputy Executive Director, for approval. If the Human Resources Director **does not** approve the request, he/she notifies the appropriate department director and the appropriate division director of the denial and the form is forwarded to the CLA with an explanation.
- (4) Upon receiving the retention bonus request, the Executive Director shall determine, on a case-by-case basis, if the retention bonus is necessary by considering the following factors:
  - (A) the criticality of the employee's position within TJJJD's operations;
  - (B) evidence of high turnover rates among employees filling the position or an extended period during which the position is or has been vacant in the past;
  - (C) evidence of a shortage of qualified applicants to fill the position, or a shortage of qualified applicants; and
  - (D) other relevant factors.
- (5) If the Executive Director determines the request is valid, he/she must certify, in writing, to the Texas Comptroller of Public Accounts the reason(s) why the retention bonus deferred compensation is necessary.
- (6) If the retention bonus request is approved by the Comptroller's Office, the Executive Director will authorize the Human Resources Director to enter into a retention bonus deferred compensation agreement with the employee.
- (7) The Human Resources Director signs the Retention Bonus Deferred Compensation Agreement form, HR-033 on behalf of the agency and forwards the completed HR-033 and the HR-032 forms to the human resources administrator (HRA) and the CLA.
- (8) Upon receiving the HR-033 and the HR-032 forms, the HRA shall explain the process to the employee, including the conditions under which the retention bonus would be cancelled or prorated. The HRA has the employee sign the Retention Bonus Deferred Compensation Agreement form, HR-033.
- (9) The local human resources office must process a Personnel Action Request (PAR) with the appropriate signatures and forward the PAR to the appropriate staff in the Human Resources Management Department in Central Office.
- (10) Originals of the HR-032 and the HR-033 forms with all appropriate signatures are maintained in the local human resources office. Copies of the signed HR-033 and the HR-032 forms are filed in the employee's personnel file.

(e) **Retention Bonus Deferred Compensation Agreement Conditions.**

Under no circumstances will a retention bonus deferred compensation agreement continue if the following occur:

(1) **Voluntary Departures/Removal for Cause.**

If prior to the end of the 12-month bonus period the employee resigns, is terminated by cause, transfers out through application and selection for another position, or is promoted or demoted out of the position based on performance or disciplinary reasons, the employee shall not be eligible to receive the bonus.

(2) **Non-Disciplinary Involuntary Departures.**

If prior to the end of the 12-month bonus period the employee is involuntarily removed from the position other than for performance or disciplinary reasons (e.g., Management Directed Transfer, or

administrative separation), the employee shall be eligible to receive the bonus at the time of transfer or separation at a prorated amount.

(3) **Extended Bonus Period.**

If during the bonus period the employee is in unpaid status for one or more full calendar months, the bonus period will be extended by the number of months in which the employee is in unpaid status for the entire month, and payment of the bonus shall be delayed until the extended bonus period is completed.

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