

Chapter: Employee Benefits Title: <b>Hazardous Duty and Longevity Pay</b>  ACA: N/A	<b>Effective Date: 9/1/13</b>  Page: 1 of 3  Replaces: PRS.19.03, 12/11/11 PRS.19.04, 12/11/11
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(a) **Policy.**

The Texas Juvenile Justice Department (TJJD) designates hazardous duty positions and pays hazardous duty pay and longevity pay in accordance with applicable state law and the provisions of this policy.

(b) **Definitions.**

Except as noted below, see the PRS Glossary for definitions of certain terms used in this policy.

- (1) **Hazardous Duty Service:** The sum of all periods of employment in a hazardous duty position, including hazardous duty positions with other state entities, community colleges, and junior colleges.
- (2) **Routine, Direct Contact with Youth:** For the purpose of designating a position as a TJJD hazardous duty position, regularly planned or scheduled interaction with youth placed in a TJJD residential facility or released under TJJD supervision without the protection of doors or similar devices.

(c) **General Provisions.**

- (1) TJJD job descriptions identify positions as either hazardous duty or non-hazardous duty.
- (2) While an employee is in a hazardous duty position, he/she may receive hazardous duty pay and longevity pay.
  - (A) Hazardous duty pay is based only on his/her total hazardous duty service. (See Section [\(d\)\(2\)](#) below.)
  - (B) Longevity pay is based only on his/her lifetime service credit. (See Section [\(e\)\(4\)](#) below.)
- (3) While an employee is in a non-hazardous duty position, he/she only receives longevity pay. The employee's longevity pay is based upon his/her **total** lifetime service credit, including any time in a state hazardous duty position. (See Section [\(e\)\(4\)](#) below.)
- (4) There are no hazardous duty pay exclusions or restrictions for return-to-work retirees. However, there are longevity pay exclusions and restrictions for certain return-to-work retirees. (See section [\(e\)\(2\)](#) below.)

(d) **Hazardous Duty Positions and Pay.**

(1) **Positions Designated as Hazardous Duty.**

- (A) The human resources employee classification program area determines whether a position is a TJJD hazardous duty position based on whether the position is located at a facility or district office and has duties requiring routine, direct contact with youth.
- (B) The following positions located at TJJD facilities or district offices are designated as hazardous duty positions:
  - TJJD correctional series positions
  - food service managers and cooks
  - parole officers
  - other positions with duties requiring routine, direct contact with youth for at least 50 percent of the position's work time (e.g., halfway house human services specialist)

Note: For the purpose of hazardous duty pay, a position assigned to the Austin District Office (e.g., parole officer) is not considered to be located at the TJJJ's Central Office. Both offices have the same physical address. However, Central Office employees are separated by locked doors from youth visiting the Austin District Office.

(2) **Hazardous Duty Pay Rate and Service Requirements.**

- (A) An employee may receive hazardous duty pay only if he/she is in a hazardous duty position on the first workday of the month.
- (B) The rate of hazardous duty pay is \$10.00 per month for each 12-month period of an employee's hazardous duty service served during the employee's lifetime. There is no monthly maximum.
- (C) The amount of a part-time employee's hazardous duty pay is proportional to the amount that he/she would receive as a full-time employee.
- (D) An employee begins receiving hazardous duty pay for the pay period following the month the employee completes 12 months of hazardous duty state service.
- (E) Increases in hazardous duty pay are received for the pay period following the month in which the employee accrues an additional 12-month increment of hazardous duty state service.
- (F) An employee who is eligible for hazardous duty pay continues to receive hazardous duty pay for a month in which he/she:
  - (i) is on unpaid leave on the first workday of the month as long as he/she returns to work or is on paid leave at some point during the month; or
  - (ii) moves to a non-hazardous duty position or separates employment if the move or separation is after the first workday of the month.

(e) **Longevity Pay.**

(1) **Longevity Pay Exclusions.**

The following employees do not receive longevity pay:

- (A) temporary employees;
- (B) part-time employees;
- (C) state employees who retired from state employment **on or after** June 1, 2005; and
- (D) state employees who retired from state employment **before** June 1, 2005, and returned to state employment on or after September 1, 2005.

(2) **Longevity Pay Rate for Certain Return-to-Work Retirees.**

A state employee who retired from state employment before June 1, 2005, and who returned to state employment before September 1, 2005, is entitled to receive longevity pay. The monthly amount of longevity pay the employee is entitled to receive equals the amount of longevity pay the employee was entitled to receive immediately before September 1, 2005. That amount does not increase with additional state service after reemployment.

- (A) If the return-to-work retiree was employed in a hazardous duty position but was not receiving any longevity pay immediately before September 1, 2005, he/she will not receive any longevity pay upon moving to a non-hazardous duty position.

(B) If the return-to-work retiree leaves state employment for one or more days, he/she is excluded from longevity pay if he/she returns to state employment.

(3) **Longevity Pay for Certain Education Staff Hired on or after September 1, 1983.**

TJJD is prohibited from paying education staff longevity pay that would result in their salary exceeding the pay rate for a like position in the public school district where the TJJD institution is located if they:

(A) are in an education position that is not a classified position; and

(B) were hired on or after September 1, 1983.

(4) **Longevity Pay Rates and Service Requirements for All Other Employees.**

(A) An employee is entitled to receive longevity pay if he/she:

- (i) is a full-time employee on the first workday of the month;
- (ii) is not on unpaid leave on the first workday of the month; and
- (iii) has accrued at least two years of lifetime service credit no later than the last day of the preceding month.

(B) The rate of longevity pay is \$20 per month for every two years of lifetime service credit up to 42 years.

(i) Lifetime service credit does not include:

- (I) entire calendar months of unpaid leave;
- (II) months of state service in a hazardous duty position while an employee is in a hazardous duty position; and
- (III) service as an officer or employee of a public junior college.

(ii) Unless excluded in (i) above, lifetime service credit includes all state service as:

- (I) a full-time, part-time, or temporary state employee, or other service as an employee of the state;
- (II) a member of the legislature;
- (III) a holder of a statewide office normally filled by vote of the people; and
- (IV) an academic employee of a state institution of higher education.

(C) An employee begins receiving longevity pay for the pay period following the month he/she completes two years of lifetime state service.

(D) Increases in longevity pay are received for the pay period following the month in which the employee completes an additional two-year increment of lifetime state service.

(f) **Inter-Agency Transfers.**

When an employee transfers from one state agency to another state agency on a day other than the first workday of a month, whichever agency employed the employee on the first day of the month pays the employee's longevity pay and/or hazardous duty pay for that month.

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