

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**PD-85 (rev. 5), “CUSTODIAL OFFICER CERTIFICATION, HAZARDOUS DUTY PAY,**  
**AND LONGEVITY PAY”**

**JULY 1, 2011**

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TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

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**SUPERSEDES:** PD-85 (rev. 4)  
May 1, 2008

## **EXECUTIVE DIRECTIVE**

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**SUBJECT:** CUSTODIAL OFFICER CERTIFICATION, HAZARDOUS DUTY PAY, AND LONGEVITY PAY

**AUTHORITY:** Texas Government Code §§ 508.001, 659.041-.047, 659.301-.308, 811.001, 813.201, 813.506, 815.505; *General Appropriations Act*, 81st Leg. R.S., Art. V, Riders 9, 16; Texas Administrative Code § 151.51

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ)

### **EMPLOYMENT AT WILL CLAUSE:**

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the executive director's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the TDCJ and **do not** create any legally enforceable interest or limit the executive director's, deputy executive director's, or division directors' authority to terminate an employee at will.

### **POLICY:**

The TDCJ shall authorize certain positions for custodial officer certification and designate positions as eligible for hazardous duty pay or longevity pay in accordance with applicable state laws and the provisions within this directive.

### **DEFINITIONS:**

"Correctional Career Position" includes the following TDCJ positions: (1) correctional officer (CO) I, II, III, IV, and V; (2) supervisor of COs (sergeant through warden); (3) food service manager (FSM) II, III, and IV; and (4) laundry manager (LM) II, III, and IV.

“Direct Offender Contact” is interacting with, and being in close proximity to, offenders without the protection of bars, doors, security screens, or similar devices while performing job duties. Such contact normally involves supervision or the potential for supervision of offenders in offender housing areas, educational or recreational facilities, industrial shops, kitchens, laundry areas, medical areas, maintenance shops, agricultural shops or fields, or in any other areas on or away from TDCJ property.

“Employee Classification Program Area” (Employee Classification) is a program area within the Human Resources Division responsible for ensuring the TDCJ’s employee classification system complies with applicable federal and state laws.

“Move” is a change in position that may consist of a lateral transfer, promotion, voluntary demotion, or involuntary demotion.

“Offender,” for the purpose of custodial officer certification and hazardous duty pay, is an individual confined in a TDCJ institution.

“Releasee” is a person released on parole or to mandatory supervision.

“Routine Direct Offender Contact” is direct offender contact that is regularly planned or scheduled while conducting TDCJ business. Routine direct offender contact does not include travel time, unless the employee is responsible for the transportation and custody of offenders, and does not include casual contact.

“Working Retiree” is an active TDCJ employee who concurrently holds a retirement status through the Employees Retirement System of Texas (ERS).

**DISCUSSION:**

An employee who is authorized custodial officer certification receives custodial officer service credit in the ERS, which provides an additional retirement incentive when the employee has 20 or more years of such credit.

Each position within the TDCJ is authorized either hazardous duty pay or longevity pay; however, an employee shall meet the eligibility criteria stated within this directive before receiving such pay. An employee may be eligible to receive both hazardous duty pay and longevity pay, depending upon the employee’s length and type of previous state service.

The amount of hazardous duty or longevity pay an eligible employee may receive shall be based on the monthly rate authorized by state statute multiplied by the number of applicable years of service allowed. An employee’s total years of state service includes all years of service, whether the service was authorized for hazardous duty pay or longevity pay, or was not eligible for either type of pay.

**PROCEDURES:**

I. Custodial Officer Certification

A. Positions Authorized for Custodial Officer Certification

Employees in the following positions shall be authorized for custodial officer certification:

1. Hazardous Duty Code 1 Positions

These positions are classified as CO I through warden II.

2. Hazardous Duty Code 2 Positions

These positions are all positions assigned to a unit, other than Hazardous Duty Code 1 positions, with job duties requiring routine direct offender contact. Examples of these positions include, but are not limited to agriculture specialists, maintenance supervisors, FSMs, LMs, classification case managers, and commissary managers.

3. Hazardous Duty Code 3 Positions

a. These positions are assigned to administrative offices and have job duties requiring routine direct offender contact at least 50% of the time. Examples of these positions include, but are not limited to investigators, compliance monitors, accountants routinely required to audit unit operations, sociologists, and interviewers.

b. A request to include a position in this category shall be submitted to the deputy executive director for approval.

4. Hazardous Duty Code 4 Positions

a. These positions are administrative positions that routinely respond to emergency security situations involving offenders. Examples of these positions include, but are not limited to the executive director, deputy executive director, Correctional Institutions Division (CID) director, other division directors, and no more than 25 administrative duty officers.

b. A request to include a position in this category shall be submitted to the deputy executive director for approval.

c. These positions shall be subject to review for the purpose of determining whether the continuation of custodial officer certification is justified.

5. Hazardous Duty Code 6 Positions

- a. These positions are filled by employees whose custodial officer certification is grandfathered based on the following criteria:
  - (1) On August 31, 1995, the employee was assigned to a Hazardous Duty Code 3 position; and
  - (2) The employee continues to have some routine direct offender contact, although it is less than 50% routine direct offender contact.
- b. Texas Government Code § 813.506(b)(3) establishes the 50% routine offender contact criteria for Hazardous Duty Code 3 positions. Employees who were in a Hazardous Duty Code 3 position on August 31, 1995, and do not meet the new criteria are grandfathered as Hazardous Duty Code 6, for as long as they continue to have some routine direct offender contact and remain in the grandfathered Hazardous Duty Code 6 position. When an employee moves from a Hazardous Duty Code 6 position, the position shall be automatically converted to longevity pay.

6. Hazardous Duty Code 7 Positions

These positions are:

- a. Parole officers (POs); and
- b. Other positions within the Parole Division or assigned to the Board of Pardons and Paroles (BPP) with a majority of assigned duties that include assessment of risks and needs, investigation, case management, and supervision of releasees to ensure that releasees are complying with the conditions of parole or mandatory supervision, or who directly supervise or are in a direct line of supervision over these employees.

7. Hazardous Duty Code 9 Positions

- a. These positions are filled by employees whose custodial officer certification is grandfathered based on the following criteria:
  - (1) On August 31, 1995, the employee was assigned to a position authorized for custodial officer certification and hazardous duty pay; and

(2) The employee is designated as a member of an emergency response team that may respond to emergency situations involving offenders.

b. An employee's custodial officer certification shall remain grandfathered as long as the employee remains in the Hazardous Duty Code 9 position. When an employee moves from a Hazardous Duty Code 9 position, the position shall be automatically converted to longevity pay.

B. Hazardous Duty Logs and Emergency Response Logs

1. Employee Responsibilities

An employee in a Hazardous Duty Code 3 or Hazardous Duty Code 6 position shall complete a monthly PERS 492, Hazardous Duty Log (Attachment A). An employee in a Hazardous Duty Code 9 position shall complete a monthly PERS 493, Emergency Response Log (Attachment B). These logs document the amount of time that the employee's work duties included direct offender contact to ensure custodial officer certification is justified.

The employee shall complete and submit the appropriate log for approval in accordance with the following procedures.

a. PERS 492, Hazardous Duty Log

The employee shall record an entry on the employee's monthly PERS 492 form for each regularly scheduled workday within the month. The employee shall also complete an entry on the PERS 492 form for any other calendar day that the employee's work duties included direct offender contact.

b. PERS 493, Emergency Response Log

The employee shall record an entry on the employee's monthly PERS 493 form for each calendar day the employee responded to an emergency situation. If the employee did not respond to any emergency situations during the month, the employee shall check the "No Emergency Response for this Month" box.

c. Supervisor Approval

The employee shall submit the original completed PERS 492, Hazardous Duty Log or PERS 493, Emergency Response Log to the employee's supervisor on the employee's first workday of the following month.

2. Supervisor Responsibilities

The supervisor shall review, verify, and approve an employee's monthly PERS 492, Hazardous Duty Log or PERS 493, Emergency Response Log and forward the original approved form to the human resources representative by the end of the first workweek within the month following the reporting period.

3. Human Resources Representative Responsibilities

a. The human resources representative shall maintain approved original PERS 492, Hazardous Duty Logs or PERS 493, Emergency Response Logs in designated files for each calendar year as follows:

(1) By each employee's last name, alphabetically; and

(2) Within each employee's set of monthly logs, the logs shall be filed chronologically with the most recent log on top.

b. By January 15th of each calendar year, the human resources representative shall provide the original approved PERS 492, Hazardous Duty Logs or PERS 493, Emergency Response Logs for the previous calendar year to Employee Classification. The human resources representative shall maintain a copy of the PERS 492 and PERS 493 forms within each file.

c. Upon the annual review of all the monthly PERS 492, Hazardous Duty Logs or PERS 493, Emergency Response Logs for a position, Employee Classification may determine that the position's custodial officer certification or hazardous duty pay is not justified. In such instances, Employee Classification shall instruct the human resources representative to prepare and submit a 14.08, Request to Modify Position to Employee Classification requesting that the position be changed from a position authorized for hazardous duty pay to a position authorized for longevity pay.

The change shall be effective on the first calendar day of the month following such a determination. The position shall no longer be authorized custodial officer certification upon the effective date of this change.

C. Effect of an Employee's Move on Custodial Officer Certification

1. An employee shall receive custodial officer certification service credit for any month during which the employee occupies a position authorized for custodial officer certification and the ERS membership contribution is deducted from the employee's pay.
2. If an employee moves from a position authorized for custodial officer certification to one that is not, the employee shall no longer accrue custodial officer certification service credit. The employee shall not lose the custodial officer certification service credit previously accrued. If the employee returns to a position authorized for custodial officer certification, the previously accrued custodial officer certification service credit shall count toward the employee's total months of such service credit.

II. Hazardous Duty Pay

A. Employees in the following positions shall receive hazardous duty pay:

1. Positions authorized for custodial officer certification that are identified in Section I of this directive; and
2. Hazardous Duty Code 8 positions. These positions are assigned to the Parole Division or the BPP, do not meet the criteria for Hazardous Duty Code 7 positions, but have routine direct contact with offenders of any penal or correctional institution or with administratively released offenders subject to the jurisdiction or the supervision of the Parole Division. Examples of these positions include, but are not limited to clerks, administrative assistants, and laboratory technicians assigned to Parole Field Offices.

B. The TDCJ is authorized to pay hazardous duty pay at the following rates:

1. A rate of \$12 per month for each year of hazardous duty state service to an employee in a correctional career position, up to and including the 25th year of hazardous duty service, with a monthly maximum of \$300. When an employee is in a correctional career position, the \$12 rate applies to years of hazardous duty service accrued while in another TDCJ position or other state agency position. In addition, the \$300 maximum is applicable regardless of prior hazardous duty service.

2. A rate of \$10 per month for each year of hazardous duty state service to an employee in any position authorized for hazardous duty pay other than a correctional career position, with no monthly maximum. While an employee is in such a position, the \$10 rate applies to all years of hazardous duty service accrued, including years accrued while in a TDCJ correctional career position.
  - C. An employee is required to be assigned to a position authorized for hazardous duty pay as of the employee's first scheduled workday of a month in order to receive hazardous duty pay for the month. An employee in a position authorized for hazardous duty pay may be on leave without pay (LWOP) status, including disciplinary suspension, on the first workday of a month and still receive hazardous duty pay for the month as long as the employee is active at some point during the month.
  - D. An employee shall not begin receiving hazardous duty pay until the month after the employee accrues 12 months of hazardous duty state service.
  - E. A part-time eligible employee in a position authorized for hazardous duty pay shall receive hazardous duty pay at a prorated rate proportional to the employee's hours of work per month.
  - F. An employee in a position authorized to receive hazardous duty pay shall be required to complete all training as may be prescribed by departmental policies. The deputy executive director or appropriate division director may waive any portion or all of the training requirements.
- III. Requesting Custodial Officer Certification and Hazardous Duty Pay Authorization
- A. Submitting a Request
    1. Vacant Hazardous Duty Code 3 or 4 Positions

Prior to submitting a request to fill a vacant Hazardous Duty Code 3 or Hazardous Duty Code 4 position, the department head, or the position's supervisor, if the position is a department head or higher authority than a department head, shall submit a PERS 386, Request for Custodial Officer Certification and Hazardous Duty Pay Authorization (Attachment C) to Employee Classification for review. Copies of PERS 492, Hazardous Duty Logs completed during the past 12-month period by a Hazardous Duty Code 3 position's incumbent shall also be forwarded to Employee Classification. The deputy executive director shall determine whether the position shall continue to be a Hazardous Duty Code 3 or 4 position.

2. Other Positions

A warden or department head may request custodial officer certification with hazardous duty pay for a new position or an existing position. A Parole Division assistant regional director may request custodial officer certification with hazardous duty pay or hazardous duty pay without custodial officer certification for a new position or an existing position in the Parole Division.

The warden, department head, or Parole Division assistant regional director requesting the certification or authorization shall complete a PERS 386, Request for Custodial Officer Certification and Hazardous Duty Pay Authorization and submit the PERS 386 form with a completed 14.08, Request to Modify Position. The 14.08 form shall be routed in accordance with AD-14.08, "Procedures for Requesting Position Changes."

Upon receipt of the PERS 386 form and the 14.08 form by Employee Classification, a determination shall be made as to whether the position meets the applicable criteria in accordance with this directive.

B. Approved Requests

If Employee Classification concurs that the position conforms with the applicable criteria, the PERS 386, Request for Custodial Officer Certification and Hazardous Duty Pay Authorization, shall be forwarded for TDCJ approval through the human resources director or designee to the deputy executive director or designee.

If the deputy executive director or designee approves the request, the PERS 386 form shall be forwarded to the Payroll Department. The Payroll Department shall compile a list of positions for which custodial officer certification with hazardous duty pay authorization or hazardous duty pay authorization without custodial officer certification has been approved by the deputy executive director. This list shall be presented to the Texas Board of Criminal Justice at the next regular board meeting for final approval.

C. Non-Approved Requests

If a request is not approved at any level, the PERS 386, Request for Custodial Officer Certification and Hazardous Duty Pay Authorization shall be returned to the originating warden, department head, or Parole Division assistant regional director through the appropriate chain of supervision.

#### IV. Longevity Pay

##### A. Exclusions

The following employees are not entitled to longevity pay, even if they are in a position authorized for longevity pay.

1. A temporary employee.
2. A part-time employee. If a part-time employee becomes a full-time employee, the state service accrued as a part-time employee shall count toward the employee's state service that may be eligible for longevity pay.
3. A working retiree who retired from state employment before June 1, 2005, and whose most recent date of return to a position authorized for longevity pay is on or after September 1, 2005.
4. A working retiree who retired from state employment on or after June 1, 2005.

##### B. Entitlement

An eligible employee who is in a position authorized for longevity pay is entitled to have such pay be included in the employee's monthly compensation if the employee is:

1. A full-time state employee on the first workday of the month; and
2. Not on LWOP status on the employee's first scheduled workday of the month.

##### C. Amount

1. An eligible employee in a position authorized for longevity pay who is not a working retiree shall begin receiving longevity pay the month after the employee accrues two years of lifetime service credit. The monthly longevity pay is increased by \$20 after each two years of lifetime service credit up to 42 years of lifetime service credit. Length of service for longevity pay shall be calculated from the employee's anniversary date of employment.
2. A working retiree who retired from state employment before June 1, 2005, and whose most recent date of return to state employment in a position authorized for longevity pay occurred before September 1, 2005, shall receive the amount of longevity pay the working retiree was entitled to receive immediately before September 1, 2005.

V. Effect of Moves on Hazardous Duty and Longevity Pay Authorization

An employee's position on the first day of the month shall determine the type of pay the employee may be eligible for that month.

- A. If an employee moves from a position authorized for hazardous duty pay to a position authorized for longevity pay, the following guidelines apply:
  - 1. The employee shall not be eligible to receive hazardous duty pay while in the position authorized for longevity pay.
  - 2. The employee's previous months of hazardous duty service shall count toward the employee's lifetime service credit that may be eligible for longevity pay.
- B. If an employee moves from a position authorized for longevity pay to a position authorized for hazardous duty pay, the following guidelines apply:
  - 1. Any previously accrued hazardous duty service, including hazardous duty service of less than 12 months, shall count toward the employee's total months of hazardous duty service.
  - 2. The employee's months of lifetime service credit that were not hazardous duty service shall continue to count toward the employee's lifetime service credit that may be eligible for longevity pay. For example, if the employee has accrued at least two years of lifetime service credit that were not hazardous duty service and has also accrued at least 12 months of hazardous duty service, the employee may be eligible to receive both hazardous duty pay and longevity pay.

VI. Reporting Requirements

Each month the TDCJ shall certify to the ERS the names of employees and any other information determined and prescribed by the ERS as necessary for the crediting of service and financing of benefits under Texas Government Code § 813.506.

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Brad Livingston  
Executive Director





## Texas Department of Criminal Justice

### Request for Custodial Officer Certification and Hazardous Duty Pay Authorization

To be completed when requesting custodial officer certification and hazardous duty pay authorization for new or existing positions.

**A. POSITION INFORMATION:** (Employee name and month/day of birth only need to be completed if request is for an existing position.)

Employee Name: \_\_\_\_\_ Month/Day of Birth: \_\_\_\_\_  
 Please Print: Last First MI (mm/dd)  
 Job No.: \_\_\_\_\_ Pay Group: \_\_\_\_\_ Unit/Dept.: \_\_\_\_\_  
 Title: \_\_\_\_\_ Extended Job Title: \_\_\_\_\_

**B. AUTHORIZATION REQUIRED** (check only one):

**NEW POSITION:**

- REQUEST FOR CUSTODIAL OFFICER CERTIFICATION WITH HAZARDOUS DUTY PAY AUTHORIZATION FOR NEW POSITION: The position described above is a new position. The position's duties and responsibilities, described in the justification section below, qualify the position for custodial officer certification with hazardous duty pay. Hazardous duty code requested (2, 3, 4, or 7): \_\_\_\_\_
- REQUEST FOR HAZARDOUS DUTY PAY ONLY AUTHORIZATION FOR NEW POSITION (**Parole Division employees only**): The position described above is a new position. The position's duties and responsibilities, described in the justification section below, qualify the position for hazardous duty pay. Hazardous Duty Code 8 requested.

**EXISTING POSITION:**

- REQUEST FOR CUSTODIAL OFFICER CERTIFICATION WITH HAZARDOUS DUTY PAY AUTHORIZATION FOR EXISTING POSITION: The position described above is **currently authorized for longevity pay**. The position's current duties and responsibilities, described in the justification section below, qualify the position for custodial officer certification with hazardous duty pay. Hazardous duty code requested (2, 3, 4, or 7): \_\_\_\_\_
- REQUEST FOR CUSTODIAL OFFICER CERTIFICATION WITH HAZARDOUS DUTY PAY AUTHORIZATION FOR EXISTING POSITION: The position described above is **currently authorized for hazardous duty pay**. The position's current duties and responsibilities, described in the justification section below, qualify the position for **continued** custodial officer certification with hazardous duty pay. Hazardous duty code requested (2, 3, 4, or 7): \_\_\_\_\_

If the request is for a Hazardous Duty Code 3 position, attach copies of the Hazardous Duty Logs that were completed by the position's incumbent during the past 12-month period.

- REQUEST FOR HAZARDOUS DUTY PAY ONLY AUTHORIZATION FOR EXISTING POSITION (**Parole Division employees only**): The position described above is currently authorized for longevity pay. The position's current duties and responsibilities, described in the justification section below, qualify the position for hazardous duty pay. Hazardous Duty Code 8 requested.
- REQUEST FOR HAZARDOUS DUTY PAY ONLY AUTHORIZATION FOR EXISTING POSITION (**Parole Division employees only**): The position described above is **currently authorized for hazardous duty pay**. The position's current duties and responsibilities, described in the justification section below, qualify the position for **continued** hazardous duty pay. Hazardous Duty Code 8 requested.

**JUSTIFICATION:** In the space provided below, clearly identify the duties and responsibilities of the position which qualify the position for custodial officer certification or hazardous duty pay authorization. Include a statement of the estimated time to be spent in offender/releasee contact (attach additional pages, if needed). Attach the position's current position description to this request. \_\_\_\_\_

	CONCUR	NON-CONCUR	DATE
_____ Warden/Department Head/Parole Division Assistant Regional Director	_____	_____	_____
_____ Human Resources Director or Designee	_____	_____	_____
_____ Deputy Executive Director or Designee	_____	_____	_____
_____ Executive Director (if applicable)	_____	_____	_____

The following is to be completed by the Payroll Department if approval is for existing position. Payroll Effective Date: \_\_\_\_\_  
 (MM/DD/YYYY)

Distribution: Attach to the 14.08 form and route in accordance with AD-14.08, "Procedures for Requesting Position Changes."