

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-90 (rev. 3), “MERIT SALARY INCREASES”
AUGUST 1, 2013
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TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

NUMBER: PD-90 (rev. 3)

DATE: August 1, 2013

PAGE: 1 of 7

SUPERSEDES: PD-90 (rev. 2)
September 1, 2003

EXECUTIVE DIRECTIVE

SUBJECT: MERIT SALARY INCREASES

AUTHORITY: *General Appropriations Act, 82nd Leg. R.S., art. V, Rider 9; Tex. Gov't Code §§ 493.007, 659.255, 659.261*

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 resource 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 any employee at will.

POLICY:

The TDCJ promotes equal employment opportunity through a process designed to award merit salary increases to employees without regard to race, color religion, sex (gender), national origin, age, disability, genetic information, or uniformed services status. The TDCJ has zero tolerance for all forms of unlawful discrimination in the merit recommendation and approval process, and unlawful harassment or retaliation is prohibited. No employee shall be subjected to harassment or retaliation for opposing or reporting unlawful discrimination in the merit recommendation and approval process.

DEFINITIONS:

"Classified Employee" is an employee who holds a classified position.

“Classified Position” is a position identified in the *General Appropriations Act* as being included in the *Position Classification Plan*.

“Demotion” is a change in duty assignment from one classified position to another classified position in a lower salary group, for example B15 to A14 or B15 to B14.

“Merit Salary Increase” is an increase in salary as a reward for consistent exceptional performance and productivity as well as an incentive for continued excellence. The increase shall consist of a higher rate within the range of the same classified salary group. A merit salary increase may not result in the employee’s salary rate exceeding the maximum salary rate for the employee’s salary group.

“Promotion” is a change in duty assignment of an employee from one classified position to another classified position that: (a) is in a salary group with a higher minimum salary rate; (b) requires higher qualifications, such as a greater skill or longer experience; and (c) involves a higher level of responsibility.

DISCUSSION:

In addition to merit salary increases, other methods of recognizing exceptional overall job performance, performance of notable deeds, and other commendable actions are through the Employee Recognition Program and through Administrative Leave for Outstanding Performance.

PROCEDURES:

I. General Provisions

- A. Merit salary increases provide management the ability to:
 - 1. Recognize an employee whose job performance and productivity are consistently above what is normally expected or required, as reflected on the employee's current annual performance evaluation; and
 - 2. Correlate the employee’s performance levels with a pay increase.
- B. Merit salary increases shall be applied throughout the range of the Salary Schedules A and B salary groups used by the TDCJ.
- C. Merit salary increases are not automatic, and eligibility or recommendation for a merit salary increase is not a guarantee of receiving such an increase. Merit salary increases are contingent upon the availability of funds and the approval of administrative authorities.

II. Eligibility

A. A classified employee may be recommended for a merit salary increase, if the following eligibility criteria are met:

1. The employee holds a Salary Schedule A or B position;
2. The employee has been employed with the TDCJ for at least 36 continuous months since most recent hire date and has held the employee's current position for at least six continuous months;

Any full calendar month of leave without pay shall not count toward the continuous service requirements.

3. The employee is not on disciplinary probation;
4. The employee is not eligible to receive a promotion or salary rate adjustment in any career path or career ladder system, such as correctional officer I, II, III, and IV; parole officer I and II; or engineer I, II, III, and IV;
5. The employee is not performing a temporary assignment for which a salary rate increase has been authorized by the executive director, in accordance with the guidelines in PD-93, "Position Classification Review";
6. Within the last six months, the employee has not received any of the following payroll actions:
 - a. Promotion, including a career path promotion;
 - b. Advancement through the career ladder system;
 - c. Merit salary increase;
 - d. Demotion; or
 - e. Position upgrade through a reclassification, which resulted in a salary rate increase;
7. The employee is below the maximum salary rate of the employee's salary group; and
8. The employee's current annual performance evaluation includes the following, which reflect that the employee's job performance and productivity level are consistently above what is normally expected or required:
 - a. A minimum rating of "somewhat exceeds standards" in all areas

being evaluated, including the supervisory functions area if the employee is a supervisor;

- b. A rating of "exceeds standards" in at least 50% of the areas considered essential functions; and
 - c. An indication that the employee adheres to ED-10.61, "TDCJ Safety Policy."
- B. If an employee transferred from a position exempt from the state's *Position Classification Plan* (identified in the *General Appropriations Act* under Schedule of Exempt Positions) to a classified position within the current fiscal biennium, the employee is not eligible to receive a merit increase that would cause the employee's salary to exceed the applicable salary limitation identified in PD-72, "Employee Salary Administration."

III. Recommendation

- A. An employee's manager or supervisor shall initially recommend an eligible classified employee for a merit salary increase.

If the warden, department head, or parole assistant regional director agrees with the recommendation, the warden, department head, or parole assistant regional director shall complete a PERS 393, Recommendation for Merit Salary Increase (Attachment A). The PERS 393 shall be forwarded through the division's chain of supervision to the appropriate regional director or manager.

- B. A copy of the employee's current annual performance evaluation shall be attached to the PERS 393, Recommendation for Merit Salary Increase, when it is forwarded for approval. The employee's current annual performance evaluation shall have been completed within the 12-month period preceding the date of the merit recommendation.

IV. Approval Process

- A. A PERS 393, Recommendation for Merit Salary Increase, shall be approved by the appropriate regional director or manager and division director.
- B. Upon approval by the regional director or manager and division director, the recommendation shall be forwarded to the human resources director. The human resources director or designee shall:
- 1. Verify the recommended employee meets the eligibility criteria; and

2. Monitor all recommendations to determine whether they are representative of the TDCJ's Salary Schedule A and B salary groups.
- C. Once the human resources director or designee has confirmed the employee's eligibility, the recommendation shall be forwarded to the chief financial officer (CFO). The CFO shall confirm budget availability and determine the earliest date the merit increase may be effective.

If the CFO determines the effective dates for approved merit increases should be staggered throughout the fiscal year, prioritization shall be based on months of state service. All approved merit increases shall be awarded within the same fiscal year they were approved.

- D. After the CFO has confirmed budget availability, the recommendation shall be forwarded to the executive director for approval.

V. Recommendation Approved

After the PERS 393, Recommendation for Merit Salary Increase, has been approved by the executive director, the recommendation shall be returned to the originating warden, department head, or parole assistant regional director. Upon receipt of the approved recommendation, the warden, department head, or parole assistant regional director shall provide the original recommendation to the human resources representative.

The human resources representative shall enter the Payroll Status Change in the Payroll/Personnel System Payroll Status Change Update screen and submit the original approved recommendation to the Payroll Department. The payroll effective date shall be the first calendar day of a month and shall be on or after the payroll effective date indicated on the approved PERS 393, Recommendation for Merit Salary Increase.

VI. Employee Ineligibility After Approval

A PERS 393, Recommendation for Merit Salary Increase, and any approvals shall be considered null and void if the employee is placed on disciplinary probation or becomes ineligible for a merit salary increase for any reason, such as a promotion, on or before the payroll effective date. If an employee commits a rule violation after the payroll effective date of the merit salary increase, the merit salary increase may be withdrawn in accordance with PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees."

VII. Recommendation Not Approved

If a PERS 393, Recommendation for Merit Salary Increase, is not approved at any point in the approval process for any reason, the recommendation shall be returned to the originating warden, department head, or parole assistant regional director through the appropriate

channels. If the employee is ineligible or if funds are not available, the returned recommendation shall indicate this information.

VIII. Employee Notification

- A. An employee may not be notified that the employee has been recommended for a merit salary increase.
- B. Upon approval the method of employee notification may be determined by the division director or designee.

Brad Livingston
Executive Director

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
RECOMMENDATION FOR MERIT SALARY INCREASE**

Employee Name: _____ Month/Date
Please Print: Last First MI of Birth: mm/dd

Payroll Title: _____ Mos. of State Service: _____ Unit/Dept.: _____

Current Salary Group and Salary Rate: _____ Requested Salary Rate: _____ Percentage Increase: _____
(round up to next whole dollar, may not exceed the maximum salary rate)

- a) Holds a Salary Schedule A or B position.
- b) Employed with the TDCJ for at least 36 continuous months since most recent hire date and has held current position for at least six continuous months.
- c) Not on disciplinary probation.
- d) Is not eligible to receive a promotion or step adjustment in the career path or career ladder system.
- e) Is not performing a temporary assignment for which a salary rate increase has been authorized by the executive director (See PD-93, "Position Classification Review").
- f) **Within the last six months, has not:** been promoted (to include a career path promotion), received an advancement through a career ladder system, received a merit salary increase, or received an enhanced compensation award authorized by the *General Appropriations Act*, been demoted, or received a position upgrade through a reclassification which resulted in a salary rate increase.
- g) Current salary rate is below the maximum salary rate of the employee's salary group.
- h) The employee's current annual performance evaluation includes:
 - 1) a minimum rating of "somewhat exceeds standards" in all areas evaluated, including the supervisory functions area if the employee is a supervisor;
 - 2) a rating of "exceeds standards" in at least 50% of the areas considered essential functions; and
 - 3) an indication that the employee adheres to ED-10.61, "TDCJ Safety Policy."

(Current annual performance evaluation must be attached. Additional documentation of how the employee meets the criteria may also be provided.)

Warden/Department Head/Parole Assistant Regional Director
(Printed Name) Signature Date (mm/dd/yyyy)

Regional Director/Manager Approval: _____
Signature Date (mm/dd/yyyy)

Division Director Approval: _____
Signature Date (mm/dd/yyyy)

Human Resources Director
Confirmation of Eligibility: _____
Signature Date (mm/dd/yyyy)

Chief Financial Officer
Confirmation of Budget Availability: _____
Signature Date (mm/dd/yyyy)

Payroll Effective Date On or After _____ (Must be on first calendar day of a month.)

Executive Director Approval: _____
Signature Date (mm/dd/yyyy)