

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-90 (rev. 4), “MERIT SALARY INCREASES”
JANUARY 1, 2017
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Attachment A: PERS 393, Recommendation for Merit Salary Increase (01/17)



TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

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SUPERSEDES: PD-90 (rev. 3)
August 1, 2013

EXECUTIVE DIRECTIVE

SUBJECT: MERIT SALARY INCREASES

AUTHORITY: *Fair Labor Standards Act of 1938*, as amended (FLSA), 29 U.S.C. §§ 201–219; Tex. Gov't Code §§ 493.001, 493.006(b), 493.007, 654.0156, 659.255, 659.261; BP-02.08, "Statement of Internal Controls"

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, or genetic information. In addition, the TDCJ complies with the provisions of applicable federal and state laws relating to the merit recommendation and approval process. 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 will be subjected to harassment or retaliation for opposing or reporting unlawful discrimination in the merit recommendation and approval process or for associating with a person who opposed or reported an alleged violation of a federal or state law relating to such entitlements.

DEFINITIONS:

“Career Ladder” is a series of positions with responsibilities and duties related to each other and requiring greater responsibilities, knowledge, skills, and abilities to function with less supervision as the classification level increases. Other terms having the same meaning are “career path” and “career program.”

“Career Ladder Position” is a classified position included in a specified career ladder.

“Classified Employee” is an employee who holds a classified position.

“Classified Position,” for the purpose of this directive, is a position identified in the *General Appropriations Act* as being included in the *State of Texas Position Classification Plan*, and includes all positions within Classification Salary Schedules A or B.

“Demotion” is a change from one classified position to another classified position in a lower salary group, such as B15 to A14 or B15 to B14.

“Exempt Position” is a position listed in the TDCJ Schedule of Exempt Positions, Article V, *General Appropriations Act*. Only a limited number of TDCJ positions are exempt positions not included in a classification salary schedule. For the purpose of this directive, this term does not refer to an FLSA exempt position.

“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 will consist of a higher salary or pay 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 from one classified position to another classified position that: (a) is in a higher salary group with at least a 3% salary increase into or within Salary Schedule A or at least a 3.4% salary increase into or within Salary Schedule B; (b) requires higher qualifications, such as greater skill or longer experience; and (c) involves a higher level of responsibility.

“Reclassification” is a position change to another title in the position classification plan: (1) in response to a classification review of the following specifications: title, salary group, classification number, hazardous duty pay or longevity pay status, unit-based classification, and FLSA exempt or non-exempt (overtime eligibility) status; or (2) as a result of a program reorganization by the executive director or designee to properly classify a position and define its duties based on the duties performed by an employee holding the position. A reclassification does not mean the employee’s duties will change. A reclassification may take effect at any time.

DISCUSSION:

In addition to merit salary increases, other methods of recognizing exceptional job performance, performance of notable deeds, and other commendable actions are available through the Employee Recognition Program and through Administrative Leave for Outstanding Performance in accordance with PD-53, "Employee Awards and Recognition."

PROCEDURES:

I. General Provisions

A. Merit salary increases allow management 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 level with a more appropriate pay rate.

B. Merit salary increases will 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 will not count toward the continuous service requirement;
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 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 of Texas Position Classification Plan* 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 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 may only 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 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 (PSC) in the TDCJ Payroll/Personnel System Payroll Status Change Update screen in accordance with PD-72, "Employee Salary Administration," Payroll Effective Dates and Timeframes for PSC Entry/Approval table attachment, and submit the original approved recommendation to the Payroll Department. The payroll effective date shall be the first calendar day of a month and on or after the payroll effective date indicated on the approved PERS 393.

VI. Employee Ineligibility After Approval

A PERS 393 and any approvals are considered null and void if the employee is placed on disciplinary probation or becomes ineligible for a merit salary increase for any reason 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 is not approved, 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.

Bryan Collier
Executive Director

