

# SYSTEM REGULATION

## **31.01.04 Longevity And Hazardous Duty Pay**

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*Revised August 15, 2006*

***Supplements System Policy 31.01***

### 1. LONGEVITY PAY

- 1.1 Each regular (see System Regulation 31.01.01, section 2.1) full-time nonacademic employee of the System, excluding law enforcement officers eligible for hazardous duty pay under state law, is entitled to longevity pay of \$20 per month for each two years of service as an employee of the State of Texas up to and including 42 years of service. Such pay will begin at the end of the second year (24 months) of state service and will be increased at the end of each two years thereafter. A working retiree is not eligible for longevity pay unless he or she retired before June 1, 2005, and returned to work before September 1, 2005.
- 1.2 To be eligible for longevity pay, a regular employee must normally be scheduled to work at least 40 hours a week in a single position. An employee with a joint appointment (as defined in System Regulation 33.99.06) will be considered to occupy one position. An employee with dual employment status occupies two positions and is ineligible for longevity pay unless one position is full-time.
- 1.3 An eligible employee who is transferred temporarily to wages prior to termination to provide a training period for a replacement and who continues to work full-time is entitled to receive longevity pay until the termination date. The termination date must be specified on the Form 500 effecting the transfer to wages.
- 1.4 To determine eligibility for longevity pay, a nonacademic employee is one whose full-time position, for any portion of the month, does not involve teaching academic courses and/or whose full-time salary is not, for any portion of the month, paid from faculty salary appropriations. An employee may continue to receive longevity pay if he or she teaches a course or courses in addition to his or her full-time nonacademic position.

### 2. HAZARDOUS DUTY PAY

All commissioned peace officers of state institutions of higher education are considered to be in hazardous duty positions and are entitled to hazardous duty pay. An eligible employee is entitled to \$10 per month for each year of state service in a hazardous duty position, to a maximum payment of \$300 per month. An eligible part-time employee receives a proportional amount of hazardous duty pay. Hazardous duty pay does not begin until an employee has completed one year (12 months) of hazardous duty service, but prior hazardous duty service will count toward satisfying the one-year requirement.

### 3. CONDITIONS AND LIMITATIONS

- 3.1 To be entitled to longevity pay for a month, an employee must qualify for longevity pay and be in a paid status on the first workday of the month. An employee who qualifies for hazardous duty pay on the first workday of the month is entitled to hazardous duty pay for that month.
- 3.2 An eligible employee who enters leave-without-pay status or who terminates state employment after the first workday of the month is entitled to full longevity or hazardous duty pay for the month. Longevity and hazardous duty pay are not prorated.
- 3.3 An eligible employee who transfers from one state agency to another state agency after the first workday of the month is entitled to payment of full longevity or hazardous duty pay for the month by the state agency employing the individual on the first workday of the month.
- 3.4 An eligible employee who terminates state employment and who remains on the payroll to exhaust vacation or accrued state or FLSA compensatory time is entitled to payment of full longevity or hazardous duty pay for each month or fraction of a month the individual continues on the payroll. However, longevity and hazardous duty pay will not be considered in the calculation of the lump-sum pay for vacation of an eligible employee who leaves System employment. A lump-sum payment for accrued FLSA compensatory time will include longevity or hazardous duty pay.
- 3.5 The calculation of the vacation and sick leave benefits payable to the estate of a deceased employee should not include longevity and hazardous duty pay.

### 4. CREDITABLE SERVICE

- 4.1 All employment with the System and any other agency or institution of the State of Texas, including employment as a student worker, will count as creditable state service for longevity and hazardous duty pay purposes. Employment with independent school districts and/or junior or community colleges is not state employment.
- 4.2 Creditable service is to be counted regardless of method of salary payment (hourly, monthly, etc.), length of appointment, percentage of full-time worked, continuity of service, or eligibility for longevity and hazardous duty pay in a prior position. Length of service is determined by counting the actual days, months and years of state employment.
- 4.3 Except for an employee returning to state employment from military leave without pay, any full calendar month in which an employee is on leave without pay or is not budgeted to work (and does not work) will not be counted in the calculation of total state service for purposes of longevity and hazardous duty pay. Neither of these situations constitutes a break in employment.
- 4.4 An employee returning to state employment following an official leave of absence for active military service is entitled to have time on active military duty counted as

creditable service for longevity and hazardous duty pay entitlement, in accordance with System Regulation 31.03.06.

4.5 Longevity and hazardous duty pay for an employee who transfers from one type of position to another are determined as follows:

4.5.1 If an employee is receiving longevity pay and transfers to a hazardous duty position, the employee will continue to receive longevity pay for the years of service performed in the previous position and will receive hazardous duty pay for the years in the hazardous duty position. The employee may not receive longevity pay and hazardous duty pay for the same years. However, when computing the total years of state service, the years spent at both the nonhazardous duty job and the hazardous duty job will be included.

4.5.2 If an employee working in a hazardous duty position transfers to a nonhazardous duty position, the employee will no longer receive hazardous duty pay. The employee will receive longevity pay based on the total number of years of service as a state employee. Thus, the longevity pay will include the years of service in the hazardous duty position.

4.5.3 An employee who received hazardous duty pay based on total state service performed before May 29, 1987, is entitled to continue to receive hazardous duty pay based on that service if the employee continues to hold a hazardous duty position.

## 5. DOCUMENTATION OF CREDITABLE SERVICE

5.1 A new employee will be advised of the effect of previous state service on longevity and hazardous duty pay entitlement and of the need to document previous creditable service with the System and/or other State of Texas agencies.

5.2 An employee who has had previous employment with the System or other state institutions and agencies will provide to the employing department or unit a statement from each prior state employer verifying the employment, giving the beginning and ending dates of each period of employment, and verifying whether the service qualified for longevity or for hazardous duty pay. This documentation will be retained in the employee's official personnel file.

5.3 The employee must also furnish documentation showing creditable service for active military duty, as outlined in paragraph 4.4 of this regulation, which will be retained in the official personnel file.

## 6. PAYROLL DEDUCTIONS, PAYROLL CHARGES AND DISTRIBUTION OF LABOR COSTS

6.1 Longevity and hazardous duty pay are an integral part of each eligible employee's gross compensation and are subject to the same payroll deductions (Federal Income Tax, Social Security Tax, Teacher Retirement System, etc.) and payroll charges (Workers' Compensation Insurance, Unemployment Insurance, etc.) as regular salary or wages.

However, longevity and hazardous duty pay are not considered in determining the amount of any System group insurance coverages.

- 6.2 Longevity and hazardous duty pay received by an employee will be allocated to direct and/or indirect costs of grants and contracts on the same basis as the employee's regular salary.

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CONTACT OFFICE:           The System Human Resources Office