

SUBJECT:	Allowing ERS to adopt an alternative definition of custodial officer
COMMITTEE:	Pensions, Investments & Financial Services — favorable, without amendment
VOTE:	8 ayes — Capriglione, Lambert, Bhojani, Bryant, Frazier, Leo-Wilson, Plesa, VanDeaver 0 nays 1 absent — Vo
WITNESSES:	For — Tyler Sheldon, Texas State Employees Union (<i>Registered, but did not testify</i> ; Emily Amps, Texas AFL-CIO) Against — None On — Shack Nail, Employees Retirement System of Texas (<i>Registered, but did not testify</i> ; Machel Pharr, Employees Retirement System; Amy Cardona, Pension Review Board; Emily Anderson, Texas Juvenile Justice Department)
BACKGROUND:	Some have suggested that including certain employees at the Texas Juvenile Justice Department (TJJD) in the Law Enforcement and Custodial Officer Supplemental Retirement Fund could help to improve staff retention and address staffing issues.
DIGEST:	CSHB 1651 would define “juvenile justice officer” as a member of the Employee Retirement System of Texas (ERS) who was employed by TJJD and certified by TJJD as holding a position as a juvenile correctional officer, caseworker, or other position of which the primary duties included custodial supervision of or other close, regularly planned contact with youth in TJJD custody. The ERS board of trustees by rule could adopt an alternative definition of “custodial officer” that included juvenile justice officers for the purpose of

allowing juvenile justice officers to participate in the Law Enforcement and Custodial Officer Supplemental Retirement Fund if the board made certain determinations after conducting an actuarial valuation. If the board adopted an alternative definition of custodial officer, it would by rule adopt certain standards for determining eligibility of a juvenile justice officer for service credit as a custodial officer.

The board of trustees would provide notice to TJJD if it adopted an alternative definition of custodial officer. After receiving the notice, TJJD would certify certain necessary information to ERS. Beginning with the first pay period that occurred after the board provided notice, TJJD would begin making deductions and collecting contributions for the Law Enforcement and Custodial Officer Supplemental Retirement Fund.

If the board of trustees adopted an alternative definition of custodial officer, it would be required to ensure that service credit established by a juvenile justice officer before the date of the rule's adoption was considered service credit for the purposes of determining eligibility for benefits under the Law Enforcement and Custodial Officer Supplemental Retirement Fund.

The bill would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, HB 1651 would have a negative impact of about \$14.6 million on general revenue related funds for fiscal 2024-25.