

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

Supplemental Pay for Texas Department of Public Safety Commissioned
Officers Stationed in Metropolitan
Cities of Texas

A Policy Research Project
Submitted in Fulfillment
of the Requirements for
the Law Enforcement Management
Institute

By
Michael D. Scott

Texas Department of Public Safety
Houston, Texas
January 1997

*Final Approval
B. Blackwood
9/22/98*

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ABSTRACT

This research concerns locality pay equity issues involving Department of Public Safety commissioned personnel that live in the large urban countywide areas of Texas. Officers living in the major metropolitan areas (Houston, Dallas, Austin and San Antonio) are not compensated fairly due to uncontrollable elements; price of goods and services and other factors that affect the lives of the designated individuals. A minimum cost of living salary upgrade of 8% should be given to the commissioned officers stationed in these areas based on data obtained from the Bureau of Labor Statistics, Consumer Price Index and other pertinent government entities.

During my tenure with the Texas Department of Public Safety, the salary rate for the designated positions or ranks has always been the same regardless of your designated and/or assigned station. Officers living in the targeted urban areas of Texas are severely hampered by the decrease in their buying power and quality of living in comparison to the rural area officers. Consumer price indexes and cost of living statistics clearly show a cost disparity of living in the targeted areas. Over eighty percent of the commissioned officers working in the large metropolitan cities of Texas are forced to work extra employment to acquire and maintain a decent living standard. The extra hours worked per day adversely affect the efficiency of the Department and creates a hazardous situation for the officers and the general public.

My research will focus on why officers stationed in the targeted urban areas should be additionally compensated for their work because of economic, environmental,

and other factors that are totally out of the targeted area officer's control. In addition, the research will attempt to show how living in these areas adversely affect the officer and his family, and the Department of Public Safety as a whole.

Introduction

The purpose of this research is to evaluate the need for supplemental pay and/or incentives for commissioned officers of the Texas Department of Public Safety who reside and work in major metropolitan areas of Texas (Houston - Dallas - Austin - San Antonio). The research on this topic examines the cost of living, and other factors, that affect officers in these areas. This research illustrates that the officers working the larger metropolitan cities are not fairly compensated because they are subjected to differences in cost of living, higher work loads, exposure to potential dangerous situations, higher mental stress, and in most cases, are forced to work extra employment to meet the basic financial needs of their families.

The primary problem to be examined is two-fold: The first issue is whether or not the tangible factors mentioned above adversely affect the officer's working conditions, living standards and its effect on the turnover rate. Secondly, whether these factors are so overwhelming that the Department of Public Safety and the Texas Legislature will address the problem and subsequently adopt policy and enact legislation to alleviate the problem.

The primary intended audience for this research is the Department of Public Safety. The recommendations, if accepted, should be submitted to the Texas Legislature for their consideration. Other interested audiences include the Department of Public Safety Officer's Association, the Texas State Troopers Association and other State level law enforcement agencies.

Information for the research was obtained through business and law enforcement journals, books, government documents, business almanacs, Texas almanacs, Congressional law library, public newspapers, Bureau of Labor Statistics journals, interviews with corporate and law enforcement managers, and other local and federal police agencies. Specific reference is made to the Federal Employee Pay Comparability Act and the Federal Law Enforcement Pay Reform Act of 1990, which include information on the Federal Law Enforcement Availability Pay Doctrine which enables federal law enforcement officers to be paid at a 25% salary supplement for overtime purposes. (Code of Federal Regulations) The intended outcome of this project is to establish a Department of Public Safety program of pay based on locality.

Historical and Theoretical Context

The idea of supplemental pay and/or incentives for the Texas Department of Public Safety employees is not new. The Department, in recent years, has implemented incentive programs for its employees such as hazardous duty pay, clothing, and footwear allowances, travel reimbursements, moving reimbursements, and retirement enhancements. (TDPS General Manual Chapter 7) The Department, in the recent 1997 Texas Legislative Session, lobbied and attempted to pass a Texas Commission on Law Enforcement Officers Standards and Education certificate bill that would have given Department of Public Safety officers additional compensation for earning certain TCLEOSE certificates. (Intermediate-Advanced-Instructors-Masters) The particular bill in question did not pass, however, the Department of Public Safety administration has a long history of attempting to pass supplemental pay legislation for its employees.

The concept of locality supplemental pay for commissioned officers of the Texas Department of Public Safety who reside and work in major metropolitan areas of Texas is uncultivated. This concept, however, has been cultivated in other Texas State government agencies. The Texas Comptrollers of Public Accounts pay its auditors more in the Houston and Dallas areas than other sections of the state. The decision to pay auditors more is simply a matter of economics, buying power, and the prevailing salary rate of the region. The rate of pay in Houston and Dallas for Comptrollers is approximately four thousand dollars (\$4,000) more than other areas. (Texas Comptrollers of Public Accounts Human Resource Office-Austin)

The State of Texas is under a salary system called the Classification Salary Schedule. (TDPS General Manual Chapter 7 Annex 2) This system is designed to place all employees in salary groups based on the nature of their duties. This system is categorized under two groups: exempt positions and non-exempt positions. Commissioned personnel of the Department of Public Safety are covered under the exempt position group. The exempt position group salary is specifically set by the Texas Legislature; hence, any change in pay for these particular State employees must be placed before the State Legislature for consideration. Non-exempt positions are eligible for merit raises and other considerations. The auditors for the Texas Comptrollers of Public Accounts are covered under the non-exempt position profile, therefore, changes in salary for positions are permissible.

The Texas Department of Public Safety pays its commissioned officers at the same rate regardless of assigned duty station. In many instances, officers living and working in and nearby the larger metropolitan areas are forced to work extra employment

to facilitate the needs of their families due to the high cost of living in that particular area. A survey conducted by this writer indicated that over 80% of the commissioned officers assigned to the Houston and Dallas areas are either working on extra jobs or seeking supplemental employment for compensation. Many times, the extra employment and the total hours worked, on a daily basis, reduces the capacity and efficiency of officers to perform the many tasks required by the Department of Public Safety in an effective manner. Also, the combination of regular hours and supplemental jobs performed by the Department of Public Safety officer could pose a health and safety problem for the officer and his contacts. Safety hazards such as lack of sleep, fatigue, and low morale could reduce an officer's decision making ability and reaction time in performing his job. These safety and well-being problems could cause liability litigation for the Department of Public Safety and the State of Texas also.

The Department of Public Safety Traffic Law Enforcement (TLE) commissioned officers strength reports show that there were 285 vacancies. (December 1996 Strength Report) One hundred and forty five vacancies existed in the larger metropolitan areas. The total vacancy rate comprised over 50 percent. There were approximately 751 TLE troopers authorized for the larger metropolitan areas. The Department of Public Safety had an authorized strength of 2290 uniformed troopers stationed statewide, and 32 percent of the authorized strength are stationed in the larger metropolitan cities. However, 50 percent of the vacancies existed in the larger metropolitan cities. During this writer's twenty-four year tenure with Department of Public Safety, and twenty-one year residency in the Houston area, many commissioned officers have left the Houston metropolitan area. In conversing with a number of these individuals, there were many reasons cited for

their departure of the Houston area. Of the reasons expressed, the cost of living, traffic congestion and the desire to live in a less populated area topped the slate. Retention problems in the larger metropolitan areas of Texas for the Department are prevalent. Although recruitment of potential recruits is not an enigma in the metropolitan areas, there is concrete evidence that retention of commissioned officers poses a significant problem.

Review of Literature and Practice

Pay equity issues have always been a concern for individuals in law enforcement, as well as, employees of private businesses and corporations. (Bonars 39-41) Wages and salary decisions, in both private business and government, are based on cost of living measures in that area. (Consumer Price 28) Governmental studies on cost of living such as the Consumer Price Index and leading economic indicators help administrators make sound decisions on salaries. Under the Federal Comparability Act of 1990, the federal government established a locality pay program for all General Schedule employees which provides for pay adjustments based on cost of living surveys in certain areas. (Schemle 10) This law covers federal employees in twenty-six (26) different areas in the United States. The Houston and Dallas areas were included on that list. (Durst 456) The federal government also provides additional compensation to all federal law enforcement personnel based on geographic locations. This special pay is based primarily on factors relating to cost of living and secondarily on factors relating to hazardous duty. The Houston and Dallas areas are again included on that list (Federal Law Enforcement Reform Act 5 U.S.C. 5545d).

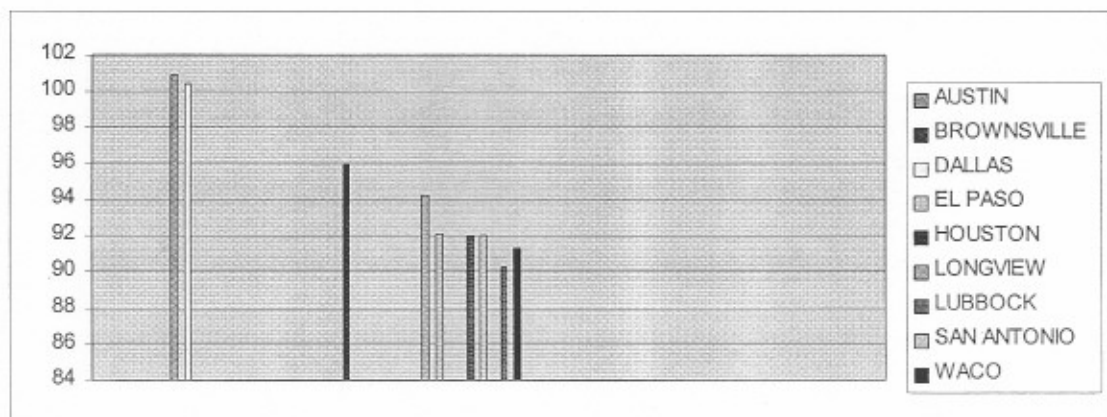
Other research, on this topic indicate that the Alaska State Police receives cost of living adjustment at particular metropolitan cities in the State of Alaska. (Alaska Statutes- Title 39-Chapter 27) and the Virginia Legislature passed legislation to adjust pay for Sheriff's deputies in the Fairfax County area due to their high cost of living (Virginia Statues Chapter 4, Title 21) Many businesses and corporations, such as Exxon, Chevron and Federal Express adjust pay for their employees simply because of the cost of living in particular areas. All of the above mentioned entities rely on information by Consumer Price Indexes supplied by the Bureau of Labor Statistics.

AGENCIES	EDUCATION	SHIFT DIFFERENTIAL	LOCALITY PAY	HAZARDOUS & LONGIVITY	MOVING	CERTIFICATION
ALASKA PD	X	X	X	X	X	X
KANSAS PD	X	X		X		X
DALLAS PD	X			X		X
HOUSTON PD	X			X		X
FAIRFAX SHERIFF	X	X	X	X		X
EXXON		X	X		X	
CHEVRON		X	X		X	
SW BELL		X	X		X	
Department of Public Safety				X	X	
FBI			X	X	X	

The Bureau of Labor Statistics (BLS), through the Consumer Price Index data, collects and records price information from selected department stores, supermarkets, service stations, doctor's offices and rental units from 85 named cities in the United States. (BLS Consumer Price Index for All Urban Areas) Each month, about 90,000 prices are recorded. This data is collected for measurement of housing transportation, food, energy, taxes, and so forth. By collecting price data on a clearly defined market basket of products that consumers purchase, the Consumer Price Index provides an accurate measure of change in prices. In conjunction with the price data collected by the

BLS, consumer expenditure surveys of approximately 29,000 families are conducted to determine detail information on their spending habits. Thus BLS constructs the CPI market basket of goods and services and assigns each item a weight based on total family expenditures. After using the price data and surveys, the BLS uses current Census Bureau population data and combines all the data into a formula which ultimately calculates a numerical composite score for each particular urban city or area. The nationwide average score is based on the scale which equals 100. (BLS Handbook, P. 586. Volume II 1995)

According to BLS records for the third quarter data for year 1995, Texas had twenty (22) selected cities and/or areas measured by the Consumer Price index surveys. (1996 Statistical Abstract of the US 116 Edition p.487) The cities measured ranged in population from over 50,000 to over 2,000,000. Excluding the four largest metropolitan areas in Texas (Houston-Dallas-Austin-San Antonio), the Texas average CPI score is 91.7. The four largest Texas metropolitan cities average score is 98.4, difference of approximately 7 points.



This is a sampling of the 22 Texas cities surveyed by the BLS Consumer Price Index. (Waco, El Paso, Brownsville, Lubbock, and Longview) The Texas average, excluding

Houston, Dallas, San Antonio, Austin, is 91.7 percentile. Houston, Dallas, San Antonio, Austin average combined is 98.4.

To place the CPI numbers in proper prospective and easy understandable terms, a comparison of cost of living statistics for certain cities of Texas is examined and illustrated in Appendices 2 through 9. (Economic Research 100-110) These appendices compare the cost of living between Houston and Dallas and five other Texas cities (Waco-El Paso-Brownsville-Lubbock-Longview). The categories measured and compared for the cost of living, in the above cities, are housing, property taxes, health services, utilities, consumable, transportation, auto insurance, and sales taxes. These comparisons clearly show an 8% (eight percent) differential in the price of goods and services in large urban areas versus smaller urban areas.

Discussion of Relevant Issues

Statistical research and data of the various categories measured for the cost of living by the Consumer Price Index and other sources clearly show that the commissioned officers of the Texas Department of Public Safety who work and live in the larger metropolitan areas of Texas (Austin-Dallas-Houston-San Antonio) are not fairly compensated due to the reality of increased cost related goods and services that prevail in those areas.

The data indicates that there is approximately an 8% plus or minus 1 differential in the amount of cost of goods and services in the large metropolitan areas of Texas. This percentile does not cover other tangible factors such as entertainment cost, toll road expenses, and the cost of education in the larger metropolitan areas. (Sargent 66-104)

These factors are tantamount when measured separately in certain large metropolitan areas, however, this research will not determine their significance at this time.

In order to fairly compensate commissioned officers of the Texas Department of Public Safety who live in the larger metropolitan cities of Texas, a one-time salary upgrade of 8% across the board should be levied to all officers who reside within a 25 mile radius of the headquarters or district offices of these particular cities. The 25 mile requirement was chosen because of the State Legislation mandated take-home car requirement statute for state employees. The amount of money that an officer receives depends upon his particular rank and salary at the time. The 8% proposal is calculated by multiplying the percentile by the gross salary of the particular officer. An 8% differential should always be maintained between the geographical locations in the state. The differential should be monitored and reassessed every two years for accuracy by measuring the Consumer Price Indexes and the amount of goods and services displayed by the various governmental entities in both State and Federal government. In addition, to the 8% salary upgrade, monitors should recommend a cost of living adjustments above the amount for the particular areas if CPI data indicate notable increases in the cost of living.

The Texas Department of Public Safety, including Traffic Law Enforcement, Criminal Law Enforcement, Texas Ranger Service, and Capitol Police, is authorized 3019 commissioned police officers in the state. (Texas Department of Public Safety Personnel Strength 1) It is estimated that this program, as set forth in the mileage requirements, will cover over thirty nine percent of the total commissioned work force of the Department of Public Safety. The total number of troopers affected by this program is

1174. The average gross annual salary combined for a Trooper IV, Sergeant , Lieutenant, Captain, and Major rank is \$44,232.00. Based on the average salary, times (X) eight percent, times (X) the number of affected troopers, the total cost annually will be \$4,154,269.44.

Texas has grown in population in recent years to the second most populous state in the United States. For instance, Houston, San Antonio and Dallas are ranked fourth, eighth and ninth respectively, in population nationwide. (The American Almanac 235) With this population boom, traffic congestion has been a problem. Again, the Houston and Dallas areas rank in the top ten nationwide as the most congested freeways in the nation. (Congestion Counts) Traffic accidents rates in the larger metropolitan cities of Texas account for over 44% traffic accidents in the state. (Texas Motor Vehicle Traffic 1995 Accident Dept.-D.P.S. p. 10-18) The crime rates in the larger cities of Texas are significantly higher per capita also. (Texas Department of Public Safety Crime Records Service 18-50) The quantity of work and the potential to encounter dangerous situations are enhanced for the commissioned officers in these populated areas.

Another effect of the larger metropolitan areas of Texas which poses an added dilemma for these officers is the pollution problem. For instance, Houston and Dallas again rank in the top ten cities in the United States with the worst polluted environment. (Dallas Morning News 9) These problems affect both the commissioned officers and their families.

There will be possible opposition to this proposal from administrators of the Texas Department of Public Safety because:

- 1) New and innovative concept; keeping the status quo.

- 2) Cost of administering and implementing the program.
- 3) The politics of the concept and getting the backing of the Texas Legislature and Senate.

Much of the opposition can be overcome by the understanding and analysis of key data that surrounds this research and working together to alleviate obstacles.

Conclusions/Recommendations

The purpose of this research is to evaluate the need for supplemental locality pay for commissioned officers of the Texas Department of Public Safety who reside and work in the major metropolitan areas of Texas. The cost of living issue was addressed and a comparison of other areas where troopers live were examined to determine if the Houston, Dallas, Austin, and San Antonio commissioned Department of Public Safety officers were fairly compensated. There can be no doubt that the large metropolitan area's commissioned officers should be additionally compensated due to the Consumer Price Index data and other economical statistics examined. Federal law enforcement officers in the targeted areas are compensated well due to federal legislation outlined earlier. The business community also recognize that the buying power in certain cities are diminished if employees are not adequately compensated. The officers stationed in the larger metropolitan areas are subjected to a higher work loads, which tend to expose them to higher potentially dangerous situations than their counterparts in other areas. The officers are additionally subjected to higher mental stress circumstances that is caused by tangible factors such as crime, traffic, pollution, financial problems, and other factors attributed to big city living. The negative array of factors above tend to escalate the turnover rates and reduce the retention rates in those areas. Comparable pay for larger

urban area commissioned Department of Public Safety officers may limit the amount of time officers work on extra employment, thus, creating a more effective worker, both physically and mentally.

The administration of Department of Public Safety can take steps to examine this issue fully by doing the following:

- 1) Establish a committee consisting of administrators , supervisors, line personnel, personnel and pay compensation experts, and private corporate executives to study the issue and render a recommendation for implementation.
- 2) Seek assistance from federal authorities such as the Bureau of Labor Statistics experts to render concrete, up-to-date and verifiable data and study other federal law enforcement policies and legislation in an attempt to follow their lead.

In conclusion, the recommendation is that a locality pay program be implemented with the advise and consent of the State Legislature. The pay program should be implemented either through the examination of the cost of living in a particular area or through the comparison of the salaries of professionals in the prevailing areas.

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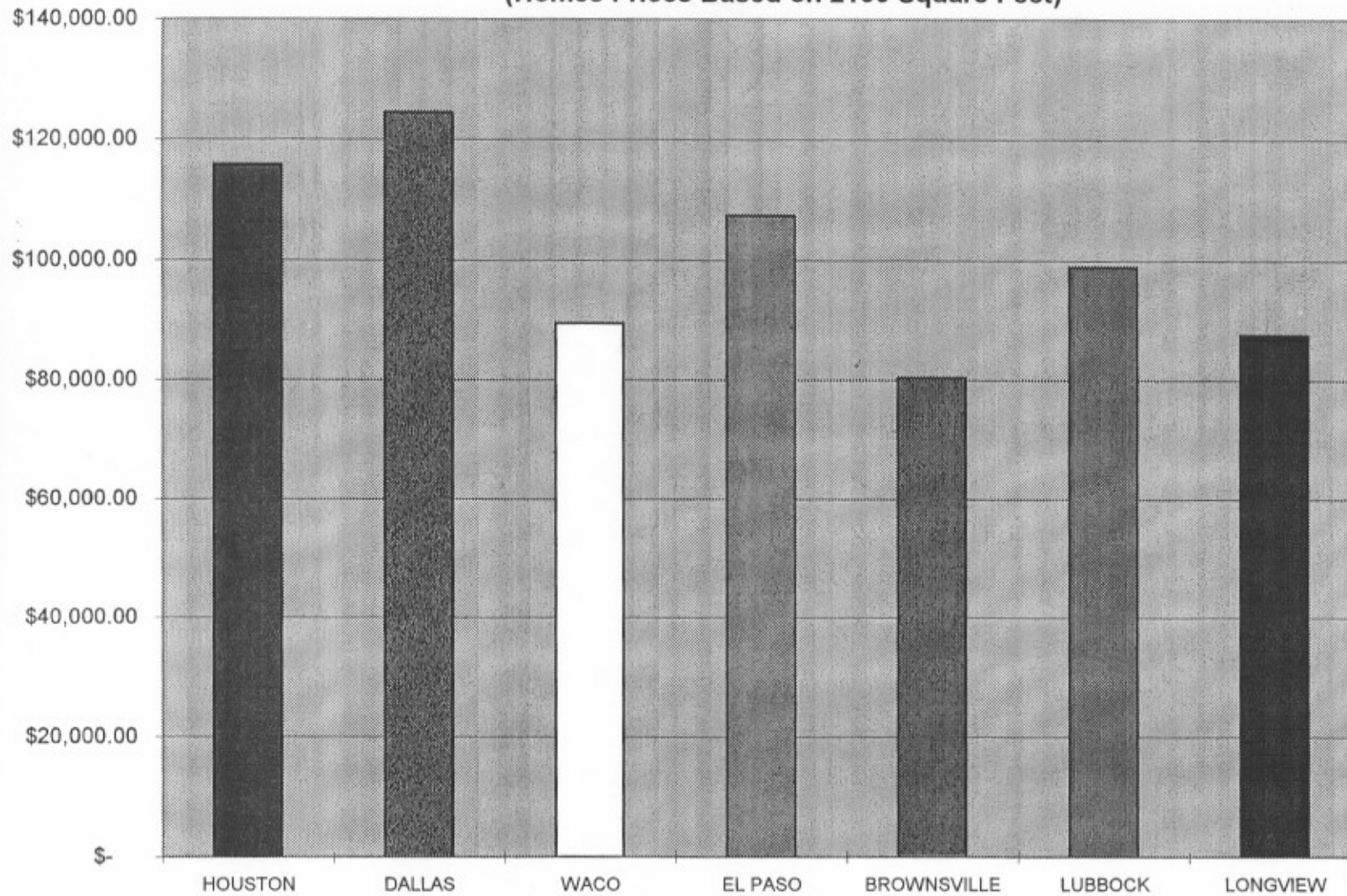
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APPENDICES

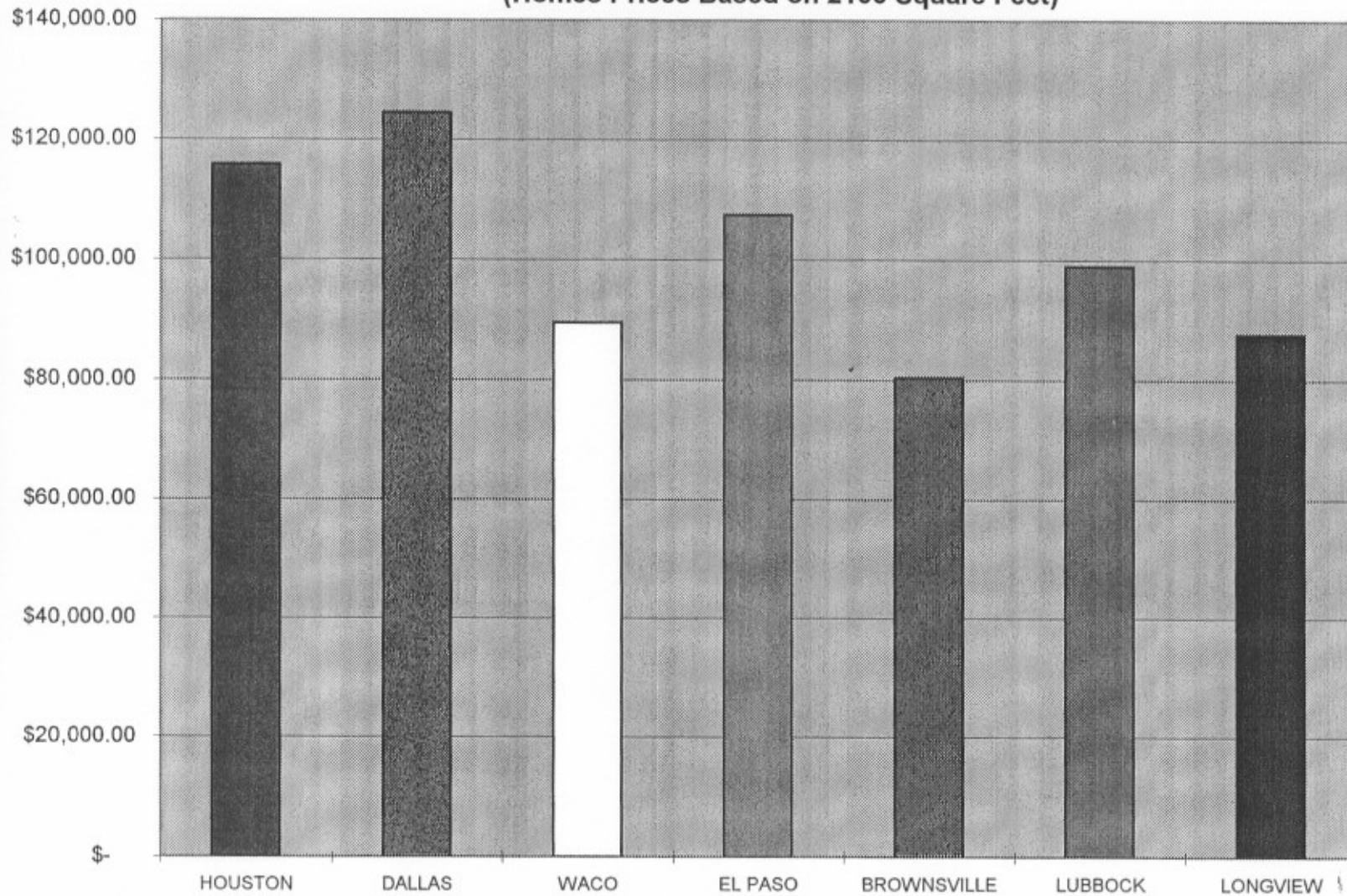
Housing Expenditures
(Homes Prices Based on 2100 Square Feet)



Combined Average for Houston and Dallas = \$621
Combined Average Cost for Five Corner Sector = \$581
Percentage Differential = 7.9%

Source: Texas Comptrollers of Public Accounts 1996

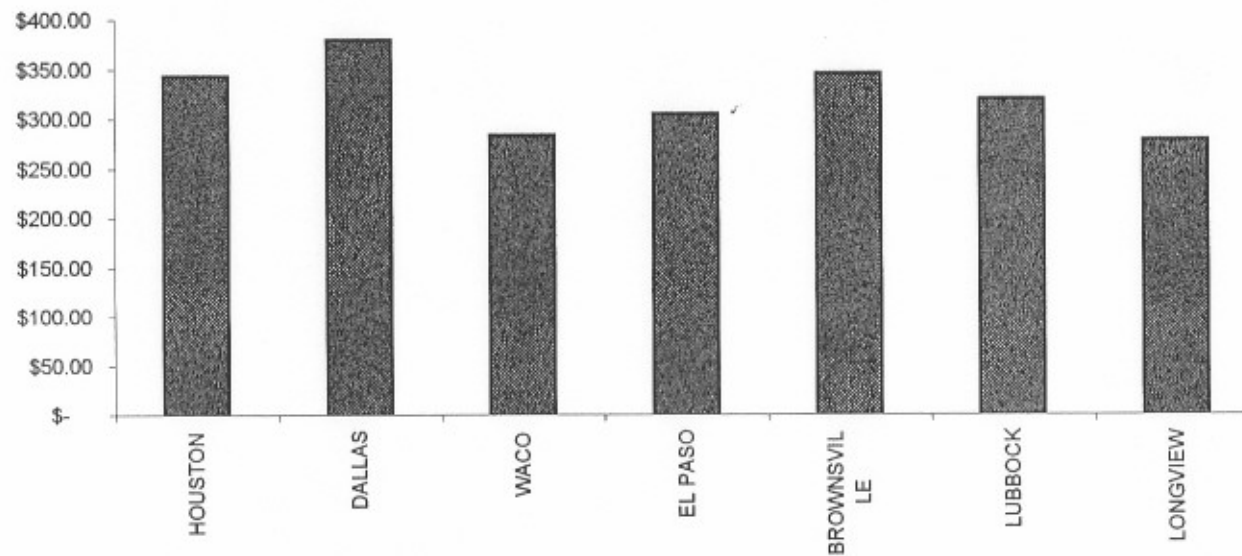
Housing Expenditures
(Homes Prices Based on 2100 Square Feet)



Combined Average for Houston and Dallas = \$621
Combined Average Cost for Five Corner Sector = \$581
Percentage Differential = 7.9%

Source: Texas Comptrollers of Public Accounts 1996

Monthly Rent Comparison

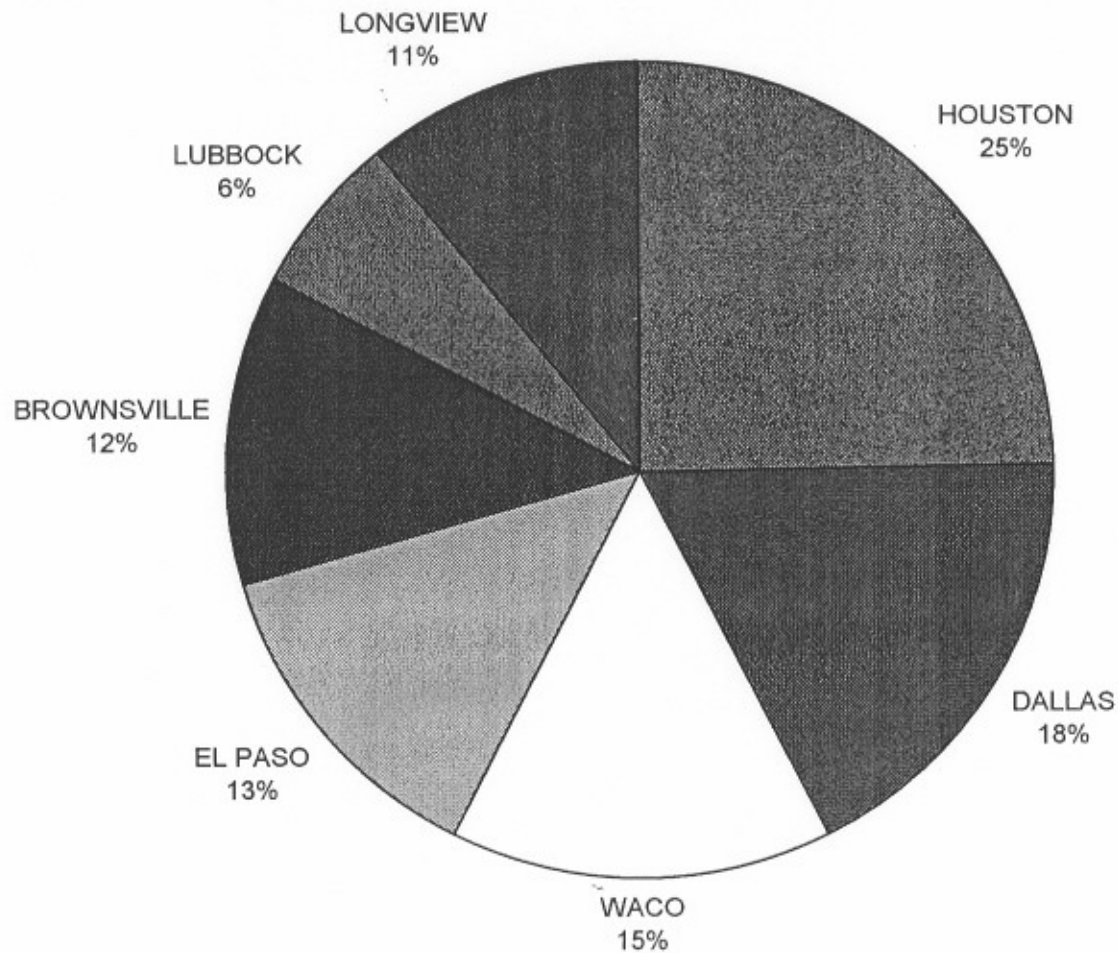


Combined Average for Houston Dallas = xxxx
Combined Average for Five Corner Sector = .xxx
Percentage Differential x.x%

Source: 1995 Geographic Reference Report

Property Taxes
(Based on \$100 Valuation)

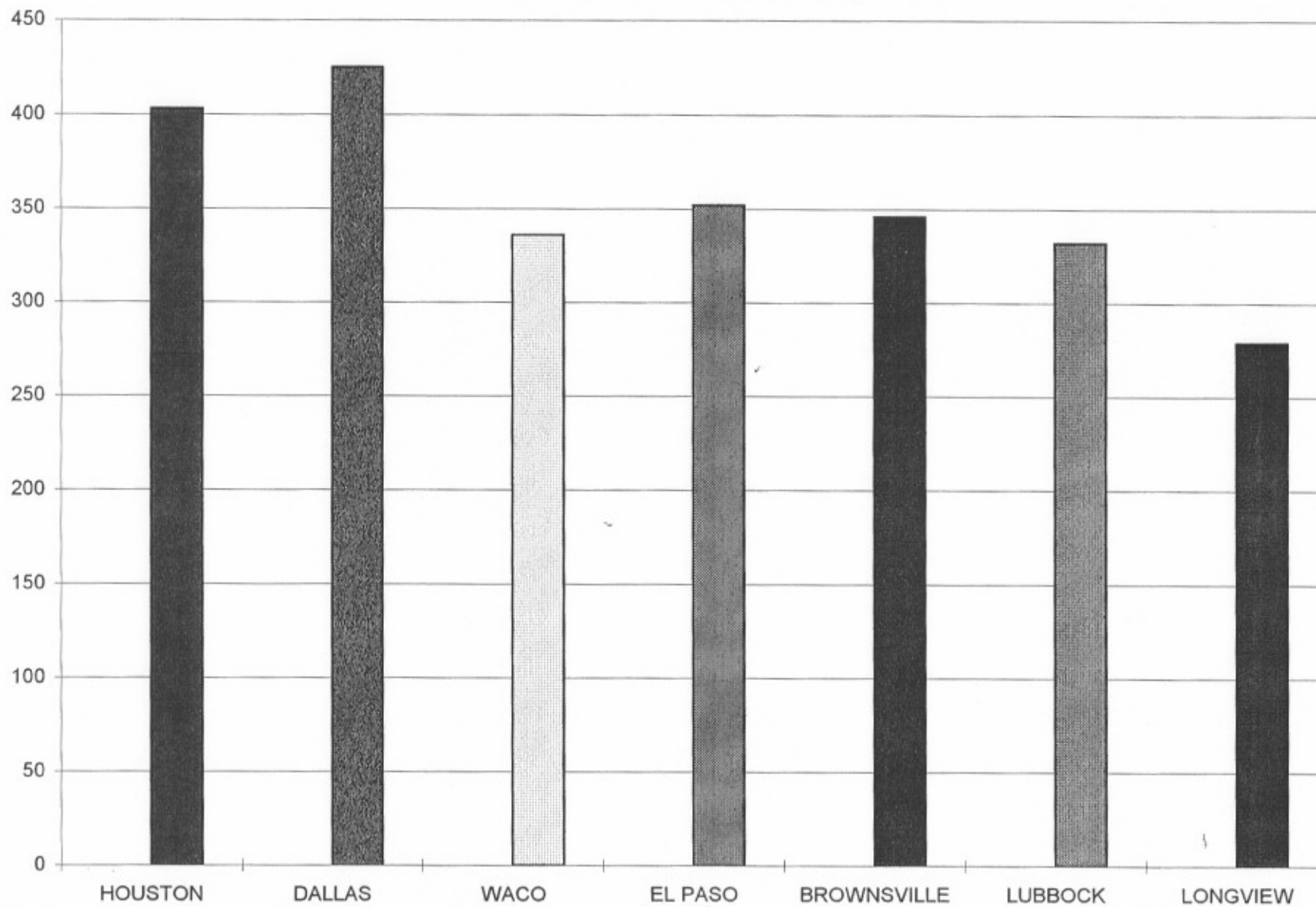
Source: Texas Comptrollers of Public Accounts



Combined Average for Houston and Dallas = 0.5549
Combined Average for Five Corner Sector = 0.2992
Percentage Differential = 5.27%

The rate exhibited is the flat county property tax rate which does not cover school taxes, property taxes or other taxing authorities in the city or the county. According to county tax appraisals, the suburban school tax rates in the Houston and Dallas areas vary. Their rates are usually 2-3% higher than in the inner city.

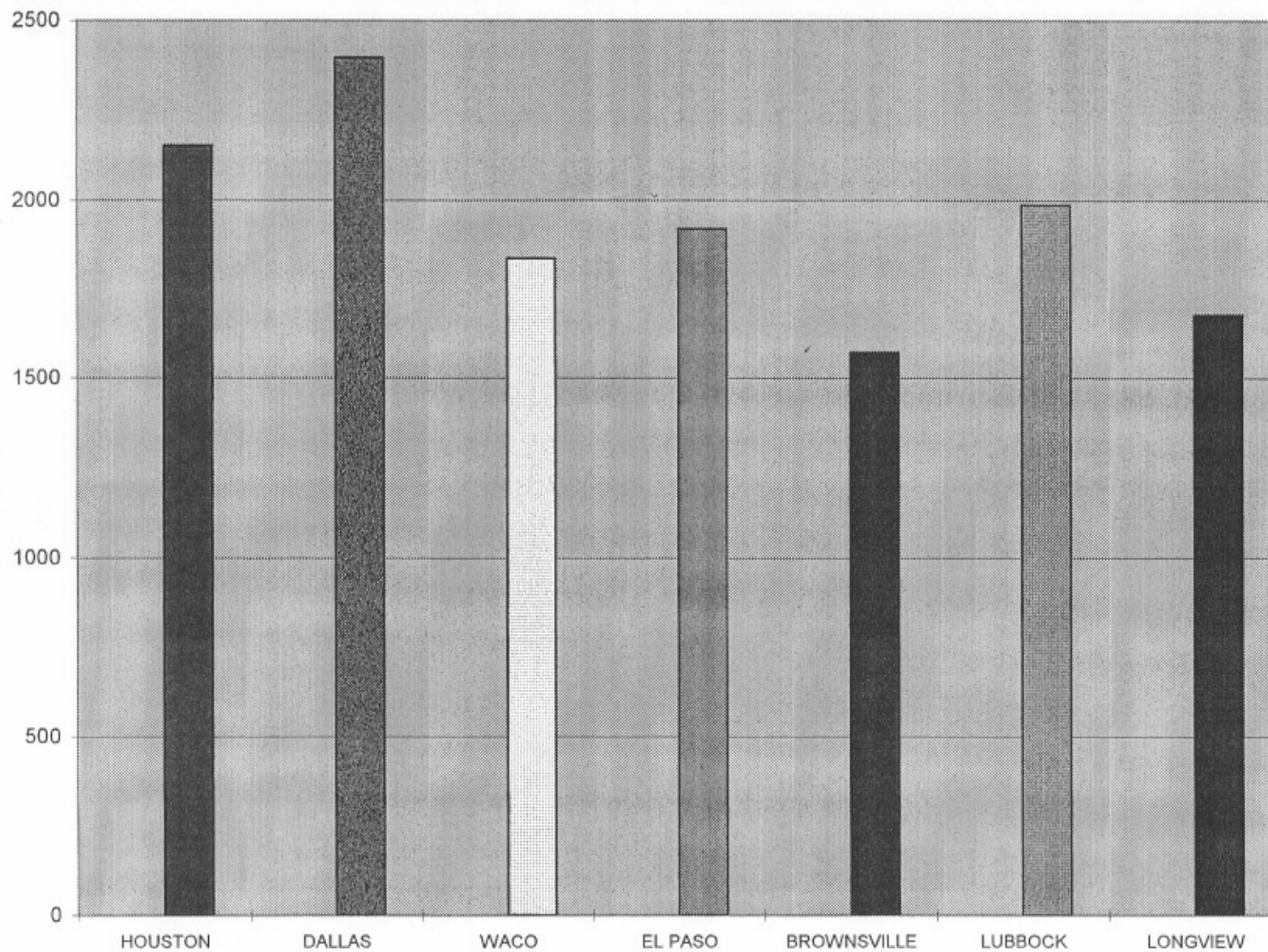
Health Services
(Monthly Premiums -Excludes HMO's)



Combined Average Cost for Houston and Dallas = \$414
Combined Average Cost for Five Corner Sector = \$329
Percentage Differential = 7.9%

Source: Texas Department of Insurance 1996

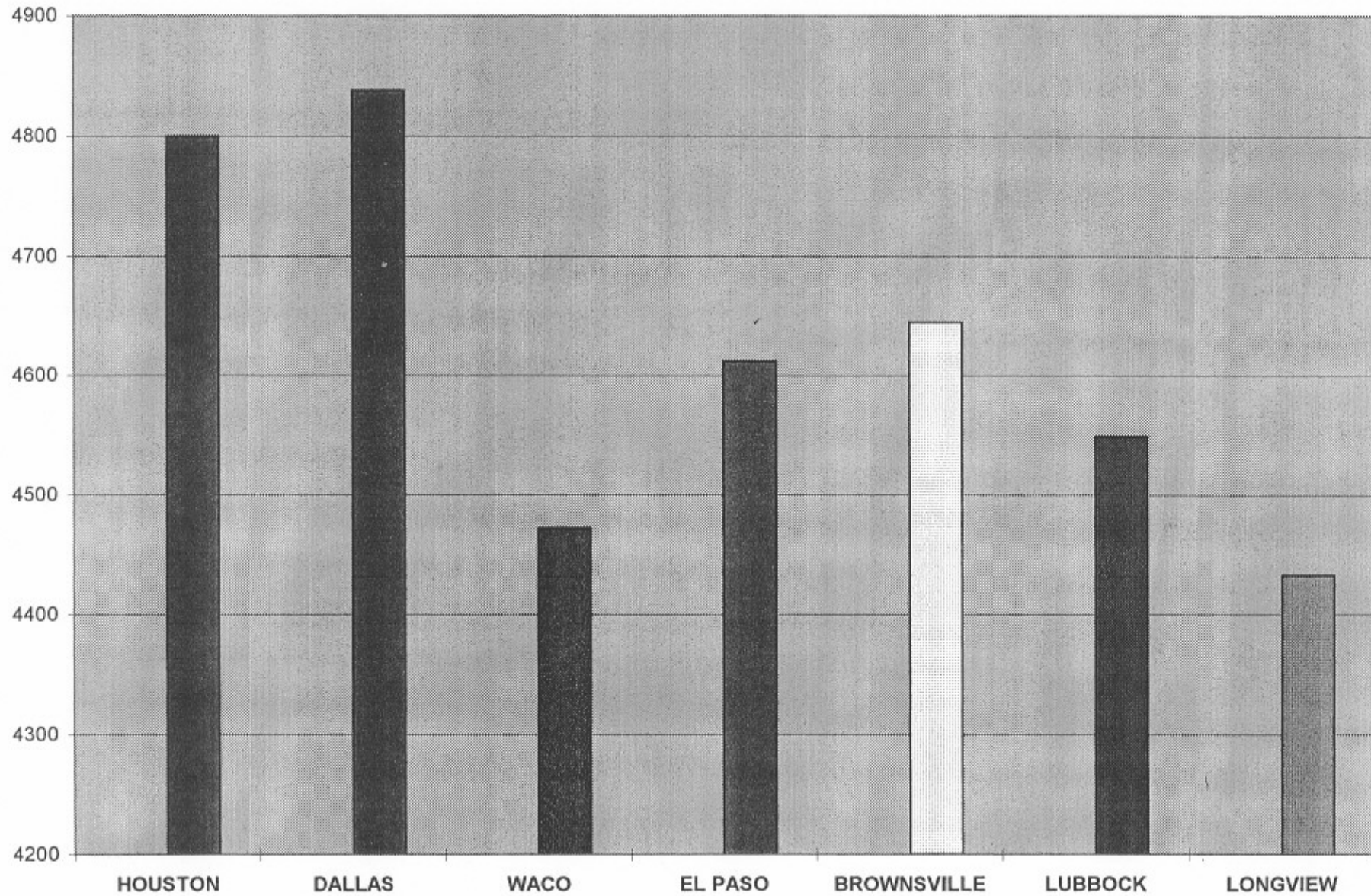
**Utilities
(Annual)**



Combined Average Cost for Houston and Dallas = \$2276
Combined Average Cost for Five Corner Sector = \$1799
Percentage Differential = 7.9%

Source: 1995 Geographic Reference Report

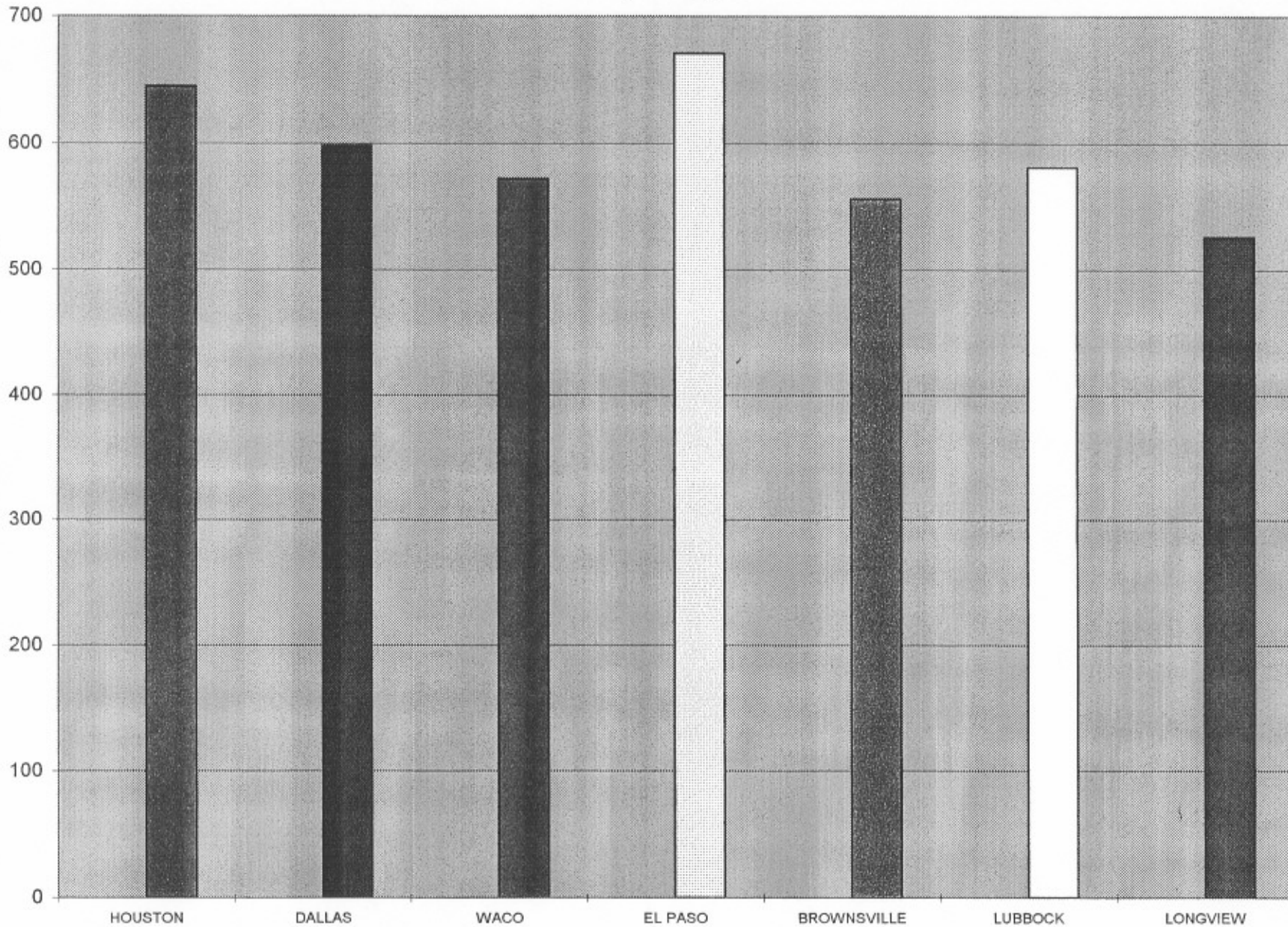
Consumables
(Food Cost Per Year)



Combined Average Cost for Houston and Dallas = \$414
Combined Average Cost for Five Corner Sector = \$329
Percentage Differential = 7.9%

Source: 1995 Geographic Reference Report

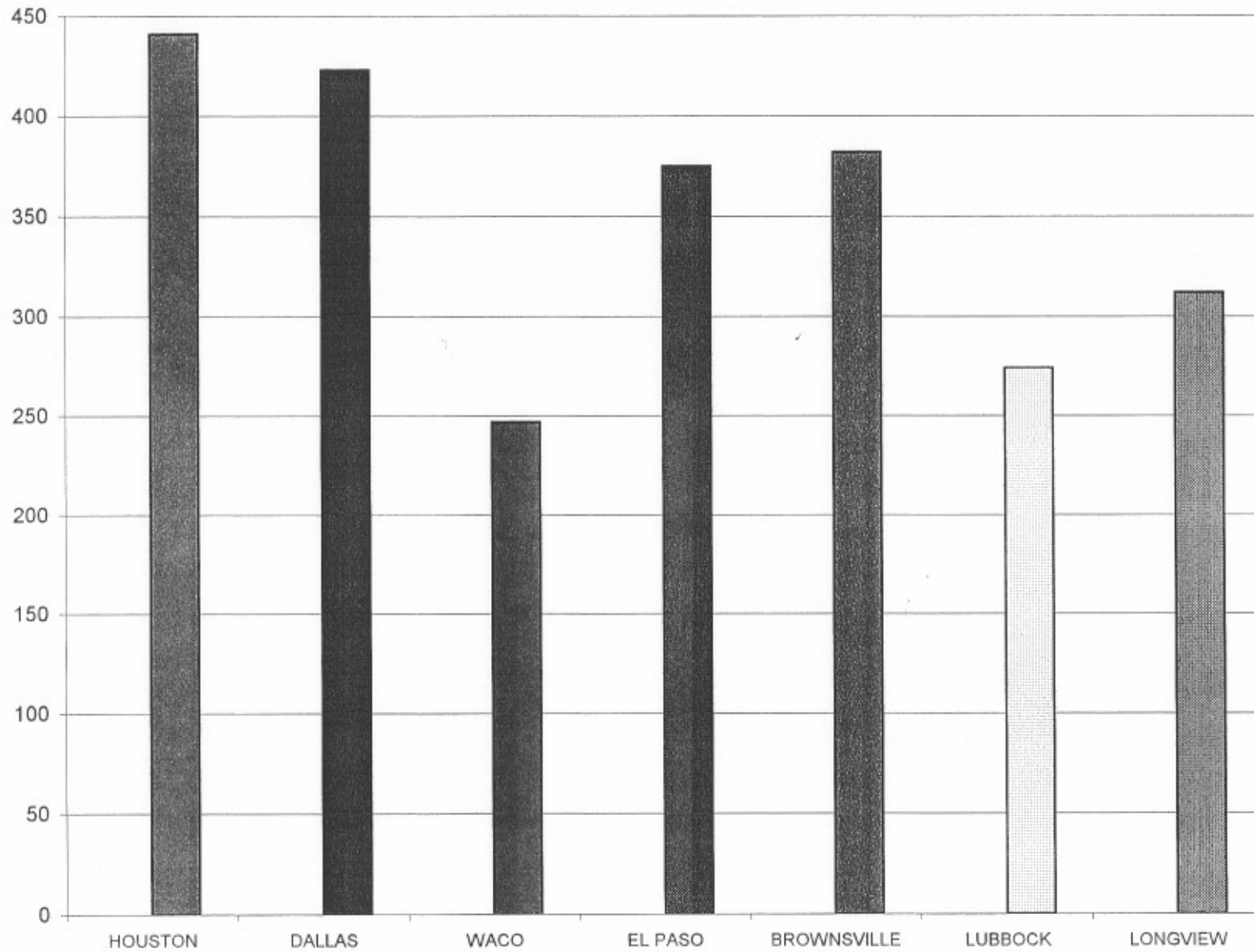
Transportation Costs
(Quarterly)



Combined Average cost for Houston and Dallas = \$621
Combined average Cost for Five Corner Sector = \$581
Percentage Differential = 7.9%

Source: 1995 Geographic Reference Report

Auto Insurance



Combined Average Cost for Houston and Dallas = \$432
Combined Average Cost for Five Corner Sector = \$318
Percentage Differential = 7.3%

Source: Texas Department of Insurance 1996

Sales Tax
(Total Rate Combined With Local Sales Taxes)

