

SUBJECT: State

REFERENCES: Resolution and draft language requiring TX ERS benefits after 60 Days SAD.

ISSUE: Texas Guardsman on extended State Active Duty deserve parity of benefits as other partner agencies from the State of Texas.

POINT OF CONTACT: Resolution Committee, NGAT

PROPOSAL: Texas

BACKGROUND INFORMATION: Historically the Texas Guard was not expected to employ Soldiers for lengthy tours on State Active Duty. Before Operation Lone Star (i.e. securing the Texas border), Hurricane Harvey was the largest and longest call-up of Guardsmen under State Active Duty to serve the State. According to Governor Greg Abbott says Texas continues to defend the Texas border¹ with preparations for enduring operations², requiring TMD to normalize support for border operations. Texas Guardsmen are currently considered temporary state employees on a mission that is enduring. Given the long-term support to the border operations, it is appropriate to consider normalizing all aspects of this support including how we support our Guardsmen who participate in this mission.

We need to make a change to the Texas Administrative Code to ensure Texas Guardsman can sustain their participation in State Active Duty for the long run by receiving the same benefits as employees in other State agencies participating in like-missions; Texas Department of Public Safety troopers and Texas Parks and Wildlife Wardens. This includes benefits such as receive Health, Retirement, Disability, Life insurance, military leave, sick leave. TMD is an Employee Retirement System (ERS)³ employer and has employees receiving full ERS benefits.

A modernization of the existing Texas Administration Code would allow for guardsmen activated under State Active Duty over 60-days, making them eligible for full ERS benefits, in parity with Texas Department of Public Safety (TXDPS).

The compelling reasons for this proposal are as follows:

1. Our guardsmen share the same hazards as state troopers on the border and other state law enforcement officials. This benefit would bring parity to TMD with sister State agencies.
2. Texans need to take care of Texans. In this case we should not count on Guardsmen to resource their own health coverage for a Texas mission. Someone who cancels Tricare Reserve Select has to wait a full year to apply again for coverage so Guardsmen and

¹ "Gov. Greg Abbott speaks during Paul Dyson's campaign event," <https://youtu.be/sEJRPIWuhwk?si=0W0VGDZCDfCqrYrb>

² Iszler, Madison, "New Braunfels company to build 80-acre base camp for Texas National Guard members assigned to border," <https://www.expressnews.com/business/real-estate/article/new-braunfels-base-camp-border-contract-eagle-pass-18690801.php>

³ <https://ers.texas.gov/>

their families may not have access to Tricare Reserve Select mobilizing onto a long-term State Active Duty mission. Tricare Reserve Select is also MORE expensive than the full coverage Blue Cross Blue Shield coverage State agencies provide for individual coverage from the TX ERS.

3. It is the right thing to do for our Guardsmen and their families. Some of our guardsmen have served multiple years with no benefits aside from pay. Because they cannot work at another job, there is an opportunity cost to remain on full-time State Active Duty, increasing the burden on families. This may be short- or long-term opportunity cost.

Texas DPS ERS benefits require 6% payroll employee contribution and 10% State/employer contribution⁴. Cost of the benefits can be up ~7% of payroll for Retirement.

RECOMMENDATION: Pass resolution to amend the Texas Administrative Code to provide ERS benefits for guardsmen - National Guard and State Guard - who are activated under State Active Duty over 60-days.

⁴ Texas Department of Public Safety Benefits website, <https://www.dps.texas.gov/section/human-resource-operations/benefits-and-compensation#:~:text=The%20Employees%20Retirement%20System%20of%20Texas%20%28ERS%29%20administers,State%2FEmployer%20contribution%20is%2010%25%20of%20salary%20Medical%20Benefits>