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A Classification Study of
Exempt Positions

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Overall Conclusion

The market competitiveness of salary ranges and salaries for executive officer positions has improved since fiscal year 2008.¹ The State Classification Team within the State Auditor's Office reviewed salaries and salary ranges for 83 executive officer positions and determined that the majority of those positions are assigned to salary groups with market competitive salary ranges. Specifically:

- 58 executive officer positions are placed within a market competitive salary range; however, 2 executive officers have salaries that are lower than the minimum salary of their assigned salary ranges.
- 15 executive officer positions are placed within a salary range that would limit the agency's ability to offer a market competitive salary.
- 10 executive officer positions are not assigned to a salary range.

Salaries for executive officer positions are, on average, 18 percent below the average market pay; however, this is an improvement from fiscal year 2008, when salaries were, on average, 27 percent behind the average market pay.

Although the State provides a comprehensive benefits package and multiple tools to recruit and retain employees, incentives such as one-time merit increases do not exist for executive officer positions (but those increases do exist for most other state employees).

Exempt Positions

This study focused solely on 83 executive officer positions that were exempt from the State's Position Classification Plan (Plan) and one director-level position at the Bob Bullock Texas State History Museum. This study did not include elected officials and the Secretary of State, who is appointed by the Governor or members of the judiciary. Also excluded were executive officer positions at legislative agencies.

For the purpose of this report, "executive officers" refers to the executives who serve as the administrative head for each state agency and hold titles such as executive director, administrative officer, superintendent, and commissioner. See Appendix 2 for a list of the specific positions covered by this report.

Salary Groups, Salary Ranges, and Not-to-exceed Rates

The State currently has eight salary groups for exempt positions. Each salary group has a corresponding salary range that establishes the appropriate minimum and maximum annual salary for each position assigned to that group.

In addition to having assigned salary groups, most executive officer positions also are assigned not-to-exceed (NTE) rates. These NTE rates cannot be changed unless specifically authorized in accordance with the General Appropriations Act (81st Legislature, Article IX, Section 3.05). (See Appendix 7 for more information about NTE rates.)

¹ In *A Classification Study of Exempt Positions* (State Auditor's Office Report No. 08-708, August 2008), the State Classification Team determined that salary ranges for many executive officer positions were insufficient to provide for competitive salary rates. The 81st Legislature approved new salary groups with corresponding salary ranges for exempt positions.

Key Recommendations

To improve the market competitiveness of the salary ranges and maintain equity among similar executive officer positions, the Legislature should consider:

- Reassigning 15 executive officer positions that are currently in salary groups with salary ranges that are not market competitive to salary groups with higher salary ranges. If approved, the affected agencies would incur an annual cost of approximately \$49,800 (\$99,600 for the 2012-2013 biennium) to bring the executive officers who hold those positions to the minimum of their new salary ranges. (See Table 2 on Page 3 in the Detailed Results section of the report for a list of those positions.)
- Assigning 8 of the 10 executive officer positions that are not currently assigned to a salary group to a salary group with a market competitive salary range. If approved, one agency would incur an annual cost of approximately \$1,500 (\$3,000 for the 2012-2013 biennium) to bring its executive officer to the minimum of the new salary range. (See Table 3 on Page 4 in the Detailed Results section of the report for a list of those positions.)
- Implementing one-time merit increases for executive officer positions.

Summary of Objective, Scope, and Methodology

The objective of this study was to conduct a review, similar to the study of the State's Position Classification Plan, on the compensation of executive positions as outlined in the General Appropriations Act (81st Legislature, Article IX, Section 3.09).

For this review, the State Classification Team considered criteria such as the average market compensation for similar professional positions; the size, budget, and complexity of agencies; and specialized experience, education, or skills required for each position. The State Classification Team sent surveys to state executive officers and state human resource directors to gather information about experience, education, and minimum qualifications for each position. Additional surveys were sent to selected states, other quasi-governmental agencies, counties, and cities to gather information about executive salary rates.

Classification Study on Scheduled Exempt Positions

"The State Auditor's Office is directed to conduct a study similar to the biennial study on the state's classification plan that reviews the compensation of exempt positions in the General Appropriations Act. The study should compare exempt positions from different agencies and take into account the size of an agency's annual appropriations, FTE level, market average compensation for similar executive positions, the exempt position salary as compared to classified positions within the agency, and any other objective criteria the Auditor's Office deems appropriate. The study shall be submitted to all members of the Legislature and the director of the Legislative Budget Board no later than September 1, 2010."

Source: General Appropriations Act (81st Legislature, Article IX, Section 3.09).

The salary and market analysis was conducted from February 2010 through June 2010. This project was a review; therefore, the information in this report was not subject to all the tests and confirmations that would be performed in an audit. However, the information in this report was subject to quality control procedures to ensure accuracy.

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Detailed Results

Chapter 1

Comparison of Executive Officer Salary Ranges and Salaries with Similar Professional Positions in the Market

Methodology of Market Analysis

The State Classification Team reviewed a variety of data sources, including published salary sources representing governmental, non-profit, and private sector market data. To supplement this data, the State Classification Team sent surveys to agencies in 14 other states and quasi-governmental agencies, as well as departments in major Texas cities and counties.

The State Classification Team used a methodology that is consistent with reviews of classified positions: data from public, non-profit, and private sector salary survey sources were blended to determine a market average or “going rate” for a comparable professional position. This analysis considered the nature and complexity of each agency, but it did not include an evaluation of the individuals currently performing the job.

To determine whether current pay ranges and salaries are sufficient to attract competent, high-qualified executive officers, it is critical for the State to be aware of the “going rate” for comparable professional positions in the market. If the State’s salary ranges fall too far behind the market, the capacity to pay executive officers competitively is compromised. Additionally, if executive officers’ salaries fall too far behind the market, agencies may find a lack of distinction between executive officer pay and pay for the employees the executive officers supervise and may find it difficult to recruit and retain executive officers. For this review, the State Classification Team within the State Auditor’s Office conducted a market comparison using a balance of public and private sector data appropriate to the nature and complexity of each executive officer position (see text box for more information on the methodology).

The State Classification Team reviewed the salary ranges for 83 executive officer positions. The results of that review are summarized below. See Appendix 2 for detailed information about the salaries, market averages, and recommended salary groups and salary ranges for each executive officer.

Chapter 1-A

Executive Officers’ Salary Structure

The State has a limited number of positions at state agencies that are exempt from the State’s Position Classification Plan; these include executive officer positions (see text box for definition). Most executive officer positions are assigned to salary groups. Each salary group has a salary range that sets the appropriate minimum and maximum annual salary for each position assigned to that group (see Table 1 on the next page).

Executive Officers

For the purposes of this report, “executive officers” refers to the executives who serve as the administrative head for each state agency and hold titles such as executive director, administrative officer, superintendent, and commissioner.

However, unless specifically authorized, an executive officer may not receive a salary that is greater than the position’s “authorized salary” in the General Appropriations Act, which is often referred to as a “not-to-exceed (NTE) rate.” The NTE rate cannot be changed unless specifically authorized. (See Appendix 7 for more information on NTE rates and

Appendix 3 for information on General Appropriations Act guidelines for changing executive officer salaries).

Table 1

Exempt Salary Groups for the 2010-2011 Biennium					
Salary Group	Salary Range Minimum	Salary Range Midpoint	Salary Range Maximum	Average Annual Salary of Executive Officers Assigned to Group	Number of Executive Officer Positions Assigned to Group
1	\$ 70,000	\$ 90,000	\$110,000	\$ 70,739	13
2	\$ 80,500	\$ 103,550	\$126,600	\$ 86,848	6
3	\$ 92,600	\$ 119,100	\$145,600	\$101,951	9
4	\$ 106,500	\$ 137,000	\$167,500	\$119,223	18
5	\$ 122,500	\$ 157,550	\$192,600	\$136,626	11
6	\$ 140,900	\$ 181,200	\$221,500	\$165,220	6
7	\$ 162,000	\$ 208,350	\$254,700	\$174,962	5
8	\$ 186,300	\$ 239,400	\$292,500	\$192,280	5
Positions Without an Assigned Salary Group				\$166,937	10
Total Positions Reviewed					83

Chapter 1-B

Market Competitiveness of Executive Officer Salary Ranges

The market competitiveness of salary ranges for executive officer positions has improved since fiscal year 2008.² The State Classification Team reviewed the salary ranges for 83 executive officer positions and determined that:

- Fifty-eight (70 percent) executive officer positions are placed within a market competitive salary range; however, the executive officer positions at the Board of Podiatric Medical Examiners and at the Department of Assistive and Rehabilitative Services have salaries that are lower than the minimum of their assigned salary ranges. The agencies should consider increasing the executive officers' salaries to at least the minimum of the salary ranges as funds become available.³ The annual cost to the agencies to do this would be approximately \$31,140 (\$62,280 for the 2012-2013 biennium).

² In *A Classification Study of Exempt Positions* (State Auditor's Office Report No. 08-708, August 2008), the State Classification Team determined that salary ranges for many executive officer positions were insufficient to provide for competitive salary rates. The 81st Legislature approved new salary groups with corresponding salary ranges for exempt positions.

³ The not-to-exceed rate for the executive officer position at the Department and Assistive and Rehabilitative Services also would need to be adjusted to at least the minimum of the salary range.

- Fifteen (18 percent) executive officer positions are placed within a salary range that would limit the agency's ability to offer a market competitive salary. These executive officer positions should be reassigned to a salary group with a higher salary range (see Table 2).

Table 2

Executive Officer Positions Recommended for Movement to New Salary Group					
Agency Name (Number)	Executive Officer	Salary as of February 2010	Recommended Salary Group	Recommended Salary Range	Annual Cost to Bring Salary up to Minimum of New Salary Range
Texas Judicial Council Office of Court Administration (212)	Administrative Director	\$130,000	5	\$122,500 - \$192,600	\$ 0
Commission on State Emergency Communications (477)	Executive Director	\$90,750	3	\$92,600 - \$145,600	1,850
Fire Fighters' Pension Commission (325)	Commissioner	\$77,000	2	\$80,500 - \$126,600	3,500
Office of Injured Employee Counsel (448)	Public Counsel	\$115,500	4	\$106,500 - \$167,500	0
Commission on Jail Standards (409)	Executive Director	\$75,350	2	\$80,500 - \$126,600	5,150
Department of Motor Vehicles (608)	Executive Director	\$175,000	6	\$140,900 - \$221,500	0
Parks and Wildlife Department (802)	Executive Director	\$143,000	6	\$140,900 - \$221,500	0
Pension Review Board (338)	Executive Director	\$70,000	2	\$80,500 - \$126,600	10,500
Executive Council of Physical Therapy and Occupational Therapy (533)	Executive Director	\$70,000	2	\$80,500 - \$126,600	10,500
Board of Plumbing Examiners (456)	Executive Director	\$77,000	2	\$80,500 - \$126,600	3,500
Department of Public Safety (405)	Director	\$162,000	7	\$162,000 - \$254,700	0
Public Utility Commission of Texas (473)	Executive Director	\$125,000	5	\$122,500 - \$192,600	0
Racing Commission (476)	Executive Director	\$94,090	3	\$92,600 - \$145,600	0
Soil and Water Conservation Board (592)	Executive Director	\$92,600	4	\$106,500 - \$167,500	13,900
Texas Workforce Commission (320)	Executive Director	\$140,000	6	\$140,900 - \$221,500	900
Total Annual Cost					\$ 49,800^a
^a The affected agencies would incur a cost of approximately \$99,600 for the 2012-2013 biennium.					

- Ten (12 percent) executive officer positions are not assigned to a salary group. Eight of these executive officer positions could be assigned to a salary group that has a corresponding market competitive salary range (see Table 3). Having defined salary ranges for these positions would help the State maintain equity among similar executive officer positions. The remaining two executive officer positions—the Teacher Retirement System and the Employees Retirement System—have salaries that would exceed the maximum of the highest salary range.⁴ Therefore, these two positions should remain without an assigned salary group.

Table 3

Executive Officer Positions Recommended for Movement to a Salary Group (Not Assigned to a Salary Group)					
Agency Number/Name	Executive Officer	Salary as of February 2010	Recommended Salary Group	Recommended Salary Range	Annual Cost to Bring Salary up to Minimum of New Salary Range
Board of Public Accountancy (457)	Executive Director	\$120,000	4	\$106,500 - \$167,500	\$ 0
Board of Architectural Examiners (459)	Executive Director	\$108,303	3	\$92,600 - \$145,600	0
Department of Banking (451)	Banking Commissioner	\$180,000	5	\$122,500 - \$192,600	0
Office of Consumer Credit Commissioner (466)	Commissioner	\$167,000	4	\$106,500 - \$167,500	0
Credit Union Department (469)	Credit Union Commissioner	\$125,000	3	\$92,600 - \$145,600	0
Board of Professional Engineers (460)	Executive Director	\$105,000 ^a	4	\$106,500 - \$167,500	1,500
Office of the State Prosecuting Attorney (213)	State Prosecuting Attorney	\$125,000	4	\$106,500 - \$167,500	0
Department of Savings and Mortgage Lending (450)	Commissioner	\$155,000	4	\$106,500 - \$167,500	0
Total Annual Cost					\$ 1,500^b
^a Position was recently filled. Salary is as of May 2010.					
^b The Board of Professional Engineers would incur a cost of \$3,000 for the 2012-2013 biennium.					

Although this report did not review salaries for elected officials or judicial positions, it does include comparison data about salaries for elected officials and judicial positions in Texas and salaries for similar positions in the 10 most populous states, as well as the 4 states bordering Texas (see Appendices 4 and 5).

⁴ Effective July 1, 2010, the annual salary for the Teacher Retirement System's executive director was \$300,000. The annual salary for the Employees Retirement System's executive director was \$300,000.

Recommendations

The Legislature should consider:

- Adopting the recommended salary group assignments and corresponding salary ranges to provide market competitive ranges for 15 executive officer positions. If approved, the affected agencies would incur an annual cost of approximately \$49,800 (\$99,600 for the 2012-2013 biennium) to bring the executive officers' salaries to the minimum of the new salary ranges.
- Adopting the recommended salary group assignments and corresponding salary ranges for eight executive officer positions that currently do not have salary group assignments. If approved, one agency would incur an annual cost of \$1,500 (\$3,000 for the 2012-2013 biennium) to bring its executive officer's salary to the minimum of the new salary range.
- Reviewing salaries for elected and judicial positions in conjunction with changes that may be made to the salaries of executive officer positions to ensure that they align with the Legislature's strategies and goals.

Chapter 1-C

Market Competitiveness of Executive Officer Salaries

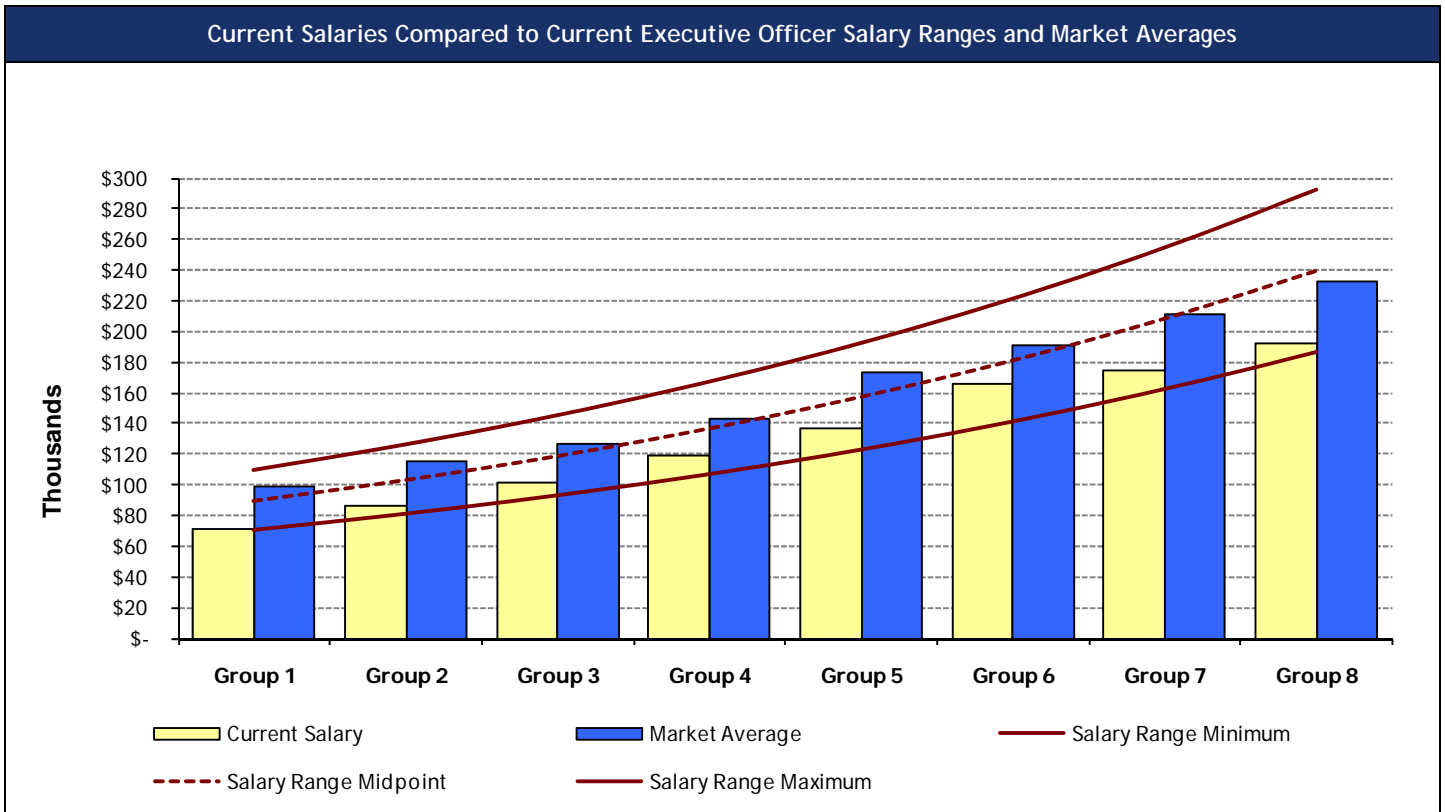
The market competitiveness of salaries for executive officer positions has improved since fiscal year 2008. The State Classification Team reviewed the salaries for 83 executive officer positions and determined that salaries for 54 executive officer positions have increased by an average of 15 percent since fiscal year 2008.⁵ The majority of those increases occurred in fiscal year 2010, when the new salary ranges that were approved by the 81st Legislature went into effect.

Based on public and private sector survey data, executive officer salaries were, on average, 18 percent behind the salaries of similar professional positions in the market; however, this is an improvement from fiscal year 2008, when executive officer salaries were, on average, 27 percent behind the market.

Figure 1 on the next page shows the relationship between the current salary ranges, salaries, and the market averages for the executive officer positions reviewed that currently have assigned salary ranges.

⁵ The average percentage increase excludes the executive officer position at the Cancer Prevention and Research Institute. The 81st Legislature expanded the Cancer Prevention and Research Institute's mission, and the executive officer's current salary reflects the expansion of the agency's duties and responsibilities.

Figure 1



Sources: Data for current salaries is from the Comptroller of Public Accounts' Human Resources Information System, the Uniform Statewide Payroll/Personnel System, and the Standardized Payroll/Personnel Reporting System. Data for the market average is a result of the market analysis conducted for this report.

Salary Range Midpoints

The midpoint in a salary range is meant to correspond to the average pay in the job market. Salary ranges are typically developed around the midpoint to allow flexibility for pay variances based on employee experience, expertise, and performance.

Pay Compression

Pay compression exists when the pay of subordinates is near (or at times exceeds) the pay of a direct supervisor.

Although salaries for the majority of executive officer positions have improved, most are still below the market average and their salary range midpoints (see text box for more information about midpoints).

It is important for these positions to be reviewed on a biennial basis so further improvements in executive officer salaries may be accomplished. If salaries are too low, this can cause pay compression (see text box for definition) among agency employees. This can limit the agencies' ability to hire and retain senior-level skilled professionals and/or executive officers, particularly at small- and mid-sized agencies. For example, 6 small- to mid-sized agencies⁶ currently have a total of 12 employees in Deputy Director and Director job classifications who make more than the executive officers of those agencies. In addition, three large-sized agencies⁷ each has an employee

⁶ These six agencies are: the Texas Facilities Commission, the Department of Rural Affairs, the Juvenile Probation Commission, the Medical Board, the Board of Nursing, and the Water Development Board.

⁷ These three agencies are: the Department of Public Safety, the Department of Assistive and Rehabilitative Services, and the Texas Workforce Commission.

classified as either a Deputy Director or Director who makes more than the executive officer of the employee's agency.

One-time merit increases could recognize outstanding performance.

Merit increases in the form of a one-time payment could be used to reward executive officers whose performance is consistently above what is normally expected and required. Lump sum payments, which do not increase base pay, could be used to recognize an executive officer's specific achievements or accomplishments. For qualified executive officers, one-time merit increases may provide the State a tool for recognizing outstanding performance and providing increased incentive for an executive officer to meet agency performance measures and other goals set by the Legislature and the agency's governing board.

Performance Criteria

In a 2008 survey conducted by the State Classification Team, executive officers listed the following possible criteria that could be used to measure performance. These included:

- Performance indicators listed in the General Appropriations Act.
- Feedback received by external partners.
- Effective management of agency resources.
- Customer satisfaction.
- Employee morale and turnover statistics.
- Audit outcomes.

Source: *A Classification Study of Exempt Positions* (State Auditor's Office Report No. 08-708, August 2008).

If the Legislature chooses to implement a one-time merit increase program for exempt positions, criteria for these increases could include current performance measures and could be similar to the language currently in statute for one-time merit increases for classified employees (see text box for list of possible performance criteria).

Public sector entities use one-time merit increases and other incentives for their executive positions.

Public sector employment within the United States accounts for a large share of total employment; however, public sector pay structures and compensation management can differ significantly among the federal government, states, counties, and cities. The State Classification Team sent surveys to 14 governmental entities to gather information on salaries and pay practices for executive officer employees. The survey included the 10 most populous states and 4 states surrounding Texas. Of those, 12 states responded. Results indicate that the majority (58 percent) of the states that responded provide merit increase options to executive officer employees (see Table 4 on the next page).

Table 4

Public Sector Survey Results on Merit Increases for Executive Officers	
State	Are Executive Officers Eligible for Merit Increases?
Arkansas	Yes
California	Yes
Florida	Yes
Georgia	Yes
Illinois	Did not respond
Louisiana	Yes
Michigan	Yes
New Jersey	No
New Mexico	Yes
New York	Did not respond
North Carolina	No
Oklahoma	No
Ohio	No
Pennsylvania	No

Recommendation

The Legislature should consider implementing the use of merit increases in the form of a one-time payment for qualified executive officers as a method for rewarding high performance.

Appendices

Appendix 1

Objective, Scope, and Methodology

Objective

The objective of this study was to conduct a review, similar to the study of the State's Position Classification Plan, on the compensation of executive positions as outlined in the General Appropriations Act (81st Legislature, Article IX, Section 3.09).

Scope

The scope of this study included a review of salaries and salary ranges of executive officer positions. The State Auditor's Office's State Classification Team analyzed state agency exempt position pay at state agencies and other public and private sector entities, taking into account factors such as:

- The size of the agency's annual appropriations.
- The levels of full-time equivalent (FTE) positions.
- The market average compensation for similar executive positions.
- The exempt position's salary compared to the salaries of classified positions within the agency.

Not included in this review were executive officer positions at 7 agencies with elected or appointed officials in the executive branch and 16 courts in the judiciary branch. Salaries for elected officials are a public policy decision that is not tied directly to the market average for similar professional positions. Salaries for the judicial positions are outlined in Texas Government Code, Section 659.012 (see Appendix 6 for a summary of the salary provisions) and are based on larger policy decisions made by the Legislature.

Methodology

In developing recommendations, the State Classification Team reviewed salary rates for similar work performed in the public and private sectors and compared these rates to the midpoint of existing salary ranges to determine the market competitiveness of the salary range for the positions reviewed. In addition, the State Classification Team performed an analysis of actual executive director pay to market pay.

The minimum estimated cost for implementing the recommendations was calculated by moving the affected incumbents to the minimum of the

recommended salary group. The cost to the State for the 2012-2013 biennium is provided because implementation costs are incurred for the entire biennium.

In making these recommendations, the State Classification Team reviewed:

- *2009 Central States Salary Survey*, Central States Compensation Association.
- *2009 ALA-APA Salary Survey*, American Library Association – Office of Research and Statistics.
- *Biennial Salary Survey and Organizational Characteristics*, American Association of Law Libraries, 2009.
- *ARL Annual Salary Survey, 2009 – 2010*, Association of Research Libraries, July 2009.
- *Compensation Data 2009-Texas*, CompData Surveys, Dolan Technologies Corporation.
- *Survey of Federal Deposit Insurance Corporation*, Department of Banking, 2009.
- *Book of States Survey*, the Council of State Governments, March 2010.
- *Salary Survey*, North American Association of State and Provincial Lotteries, 2008.
- *Survey of Judicial Salaries*, Volume 34 Number 2, National Center for State Courts, June 30, 2009.
- Salary survey of select public sector entities, State Auditor’s Office, 2010.
- Survey of state agency executive officers and human resource directors, State Auditor’s Office, 2010.
- *Survey of Public School Districts*, Texas Association of School Boards, 2009.
- *2009 Nonprofit Organizations Compensation and Benefits Survey*, the NonProfit Times.
- *Health Care Clinical and Professional Personnel Compensation*, Towers Watson Data Services, January 2010.
- *Top Management Compensation*, Towers Watson Data Services, 2009.
- *2010 Texas Society for Healthcare Human Resources Administration and Education Wage and Benefit Survey*, Werling Associates, Inc., May 2010.

- *WorldatWork 36th Annual Salary Budget Survey, 2010.*

Salaries for full-time classified state employees and executive officers as of the second quarter of fiscal year 2010 were gathered from:

- The Uniform Statewide Payroll/Personnel System (USPS).
- The Human Resources Information System (HRIS).
- The Standardized Payroll/Personnel Reporting System (SPRS).

Project Information

Fieldwork was conducted from February 2010 through June 2010. This study was conducted in accordance with Article IX, Section 3.09, of the General Appropriations Act (81st Legislature) This project was a review; therefore, the information in this report was not subjected to all the tests and confirmations that would be performed in an audit. However, the information in this report was subject to certain quality control procedures to ensure accuracy. The following members of the State Auditor's staff performed the review:

- Sharon Schneider, PHR (Project Manager)
- Stacey Robbins McClure, MBA, CCP, PHR
- Steve Pearson, IPMA-HR
- Jaime Navarro
- Nik Rapelje
- Michael Sanford
- Leslie Ashton, CPA (Quality Control Reviewer)
- Nicole M. Guerrero, MBA, CIA, CGAP, CICA (Audit Manager)

Market Analysis and Recommended Salary Group Assignments

Tables 5 through 13 list, by General Appropriations Act article, the executive officer positions reviewed, as well as the current salaries, market average salaries, current and recommended salary group placements, corresponding salary ranges, and the annual cost to move the executive officer to the minimum of the recommended salary range. The current salaries listed represent either the fiscal year 2010 annual salary that the incumbent was being paid as of February 2010 or, in the case of a vacant position, the amount authorized in the General Appropriations Act for that position.

This analysis considered the nature and complexity of each agency, but it did not evaluate the individuals currently performing the job. An executive officer's performance, experience, education, and certification should be considered to place the employee within each proposed salary range. Because of these factors, not all individuals will, or should be, paid the market average. To be consistent with classified employees, executive officers should be moved to at least the minimum of the salary range for their assigned group.

Table 5

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article I Agencies		
Executive Director: Commission on the Arts (813)	Current Salary	\$85,250
	Market Average	\$108,249
	Current Salary Group	2
	Recommended Salary Group	2
	Current Salary Range	\$80,500 to \$126,600
	Recommended Salary Range	\$80,500 to \$126,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Bond Review Board (352)	Current Salary	\$99,000
	Market Average	\$116,611
	Current Salary Group	3
	Recommended Salary Group	3
	Current Salary Range	\$92,600 to \$145,600
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article I Agencies		
Executive Director: Cancer Prevention and Research Institute of Texas (542)	Current Salary	\$214,000 ⁸
	Market Average	\$166,264
	Current Salary Group	7
	Recommended Salary Group	7
	Current Salary Range	\$162,000 to \$254,700
	Recommended Salary Range	\$162,000 to \$254,700
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Commission on State Emergency Communications (477)	Current Salary	\$90,750
	Market Average	\$129,212
	Current Salary Group	2
	Recommended Salary Group	3
	Current Salary Range	\$80,500 to \$126,600
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$1,850
Executive Director: Employees Retirement System (327)	Current Salary	\$300,000
	Market Average	\$250,683
	Current Salary Group	None
	Recommended Salary Group	None
	Current Salary Range	None
	Recommended Salary Range	None
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Texas Ethics Commission (356)	Current Salary	\$115,000
	Market Average	\$131,475
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

⁸ The executive director of the Cancer Prevention and Research Institute of Texas also receives an additional monthly supplement of \$5,916.67 as a salary supplement from the Cancer Prevention and Research Institute of Texas Foundation, as authorized by Rider 8, Page I-15, General Appropriations Act (81st Legislature). The rider provides that the executive director may receive a salary supplement not to exceed \$86,000 each year of the biennium.

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article I Agencies		
Executive Director: Facilities Commission (303)	Current Salary	\$126,500
	Market Average	\$155,360
	Current Salary Group	5
	Recommended Salary Group	5
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Public Finance Authority (347)	Current Salary	\$120,000
	Market Average	\$125,893
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Commissioner: Fire Fighters' Pension Commission (325)	Current Salary	\$77,000
	Market Average	\$108,622
	Current Salary Group	1
	Recommended Salary Group	2
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$80,500 to \$126,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$3,500
Executive Director: Historical Commission (808)	Current Salary	\$124,992
	Market Average	\$146,241
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article I Agencies		
Executive Director: Department of Information Resources ⁹ (313)	Current Salary	\$175,000
	Market Average	\$184,521
	Current Salary Group	6
	Recommended Salary Group	6
	Current Salary Range	\$140,900 to \$221,500
	Recommended Salary Range	\$140,900 to \$221,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Director-Librarian: Library and Archives Commission (306)	Current Salary	\$104,500
	Market Average	\$132,093
	Current Salary Group	3
	Recommended Salary Group	3
	Current Salary Range	\$92,600 to \$145,600
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New or Current Salary Group	Not Applicable
Executive Director: Pension Review Board (338)	Current Salary	\$70,000
	Market Average	\$113,306
	Current Salary Group	1
	Recommended Salary Group	2
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$80,500 to \$126,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$10,500

⁹ During the period of this review, the Department of Information Resources had an interim director, who received an annual salary that was the agency's not-to-exceed rate of \$175,000. The interim director was officially hired as the agency's executive director in May 2010. There was no change in salary upon this official appointment.

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article I Agencies		
Executive Director: Preservation Board (809)	Current Salary	\$160,000
	Market Average	\$153,027
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Director: Bob Bullock Texas State History Museum	Current Salary	\$96,600 ¹⁰
	Market Average	\$128,052
	Current Salary Group	Not an exempt position ¹¹
	Recommended Salary Group	3
	Current Salary Range	Not an exempt position
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0
Executive Director: State Office of Risk Management (479)	Current Salary	\$104,500
	Market Average	\$128,774
	Current Salary Group	3
	Recommended Salary Group	3
	Current Salary Range	\$92,600 to \$145,600
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

¹⁰ This is the annual salary of the most recent museum director. The position has been vacant since August 2009. As of May 2010, the position was posted with an advertised salary range of \$114,996 to \$124,800.

¹¹ The position is currently classified as a Director IV in the State's Position Classification Plan.

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article I Agencies		
Executive Director: Office of State-Federal Relations ¹² (333)	Current Salary	\$106,260
	Market Average	\$111,001
	Current Salary Group	3
	Recommended Salary Group	3
	Current Salary Range	\$92,600 to \$145,600
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Veterans Commission (403)	Current Salary	\$115,000
	Market Average	\$130,815
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

¹² This agency's funding was moved to the Trusted Programs within the Office of Governor by the 81st Legislature.

Table 6

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article II Agencies		
Commissioner: Department of Aging and Disability Services (539)	Current Salary	\$163,200
	Market Average	\$229,385
	Current Salary Group	7
	Recommended Salary Group	7
	Current Salary Range	\$162,000 to \$254,700
	Recommended Salary Range	\$162,000 to \$254,700
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Commissioner: Department of Assistive and Rehabilitative Services (538)	Current Salary	\$145,860
	Market Average	\$208,076
	Current Salary Group	7
	Recommended Salary Group	7
	Current Salary Range	\$162,000 to \$254,700
	Recommended Salary Range	\$162,000 to \$254,700
	Annual Cost to Move Executive Officer to Minimum of Current Salary Group ¹³	\$16,140
Commissioner: Department of Family and Protective Services (530)	Current Salary	\$168,000
	Market Average	\$220,019
	Current Salary Group	7
	Recommended Salary Group	7
	Current Salary Range	\$162,000 to \$254,700
	Recommended Salary Range	\$162,000 to \$254,700
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Commissioner: Department of State Health Services (537)	Current Salary	\$183,750
	Market Average	\$231,016
	Current Salary Group	7
	Recommended Salary Group	7
	Current Salary Range	\$162,000 to \$254,700
	Recommended Salary Range	\$162,000 to \$254,700
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

¹³ The executive officer's current annual salary is less than the minimum of the position's assigned salary group. To move to the minimum of the salary range, the not-to-exceed rate of \$145,860 would need to be adjusted.

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article II Agencies		
Executive Commissioner: Health and Human Services Commission (529)	Current Salary	\$210,000
	Market Average	\$237,825
	Current Salary Group	8
	Recommended Salary Group	8
	Current Salary Range	\$186,300 to \$292,500
	Recommended Salary Range	\$186,300 to \$292,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Table 7

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article III Agencies		
Commissioner of Education: Texas Education Agency (701)	Current Salary	\$186,300
	Market Average	\$239,106
	Current Salary Group	8
	Recommended Salary Group	8
	Current Salary Range	\$186,300 to \$292,500
	Recommended Salary Range	\$186,300 to \$292,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Superintendent: School for the Blind and Visually Impaired (771)	Current Salary	\$115,000
	Market Average	\$142,223
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Superintendent: School for the Deaf (772)	Current Salary	\$115,000
	Market Average	\$144,286
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article III Agencies		
Executive Director: Teacher Retirement System (323)	Current Salary	\$290,000 ¹⁴
	Market Average	\$260,403
	Current Salary Group	None
	Recommended Salary Group	None
	Current Salary Range	None
	Recommended Salary Range	None
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Commissioner of Higher Education: Higher Education Coordinating Board (781)	Current Salary	\$186,300
	Market Average	\$212,833
	Current Salary Group	8
	Recommended Salary Group	8
	Current Salary Range	\$186,300 to \$292,500
	Recommended Salary Range	\$186,300 to \$292,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

¹⁴ Effective July 1, 2010, the annual salary for the Teacher Retirement System's executive director was \$300,000.

Table 8

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article IV Agencies		
Administrative Director: Texas Judicial Council Office of Court Administration (212)	Current Salary	\$130,000
	Market Average	\$165,363
	Current Salary Group	4
	Recommended Salary Group	5
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0
State Prosecuting Attorney: Office of the State Prosecuting Attorney (213)	Current Salary	\$125,000
	Market Average	\$135,831
	Current Salary Group	None
	Recommended Salary Group	4
	Current Salary Range	None
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0
Director: State Law Library (243)	Current Salary	\$70,180
	Market Average	\$100,475
	Current Salary Group	1
	Recommended Salary Group	1
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$70,000 to \$110,000
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: State Commission on Judicial Conduct (242)	Current Salary	\$110,000
	Market Average	\$123,556
	Current Salary Group	3
	Recommended Salary Group	3
	Current Salary Range	\$92,600 to \$145,600
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Table 9

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article V Agencies		
Adjutant General: Adjutant General's Department (401)	Current Salary	\$139,140
	Market Average	\$174,290
	Current Salary Group	5
	Recommended Salary Group	5
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Administrator: Alcoholic Beverage Commission (458)	Current Salary	\$122,500
	Market Average	\$168,086
	Current Salary Group	5
	Recommended Salary Group	5
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Department of Criminal Justice (696)	Current Salary	\$186,300
	Market Average	\$241,885
	Current Salary Group	8
	Recommended Salary Group	8
	Current Salary Range	\$186,300 to \$292,500
	Recommended Salary Range	\$186,300 to \$292,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Commission on Fire Protection (411)	Current Salary	\$92,600
	Market Average	\$124,504
	Current Salary Group	3
	Recommended Salary Group	3
	Current Salary Range	\$92,600 to \$145,600
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article V Agencies		
Executive Director: Commission on Jail Standards (409)	Current Salary	\$75,350
	Market Average	\$110,994
	Current Salary Group	1
	Recommended Salary Group	2
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$80,500 to \$126,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$5,150
Executive Director: Juvenile Probation Commission (665)	Current Salary	\$120,023
	Market Average	\$151,356
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Commission on Law Enforcement Officer Standards and Education (407)	Current Salary	\$88,000
	Market Average	\$111,162
	Current Salary Group	2
	Recommended Salary Group	2
	Current Salary Range	\$80,500 to \$126,600
	Recommended Salary Range	\$80,500 to \$126,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Director: Department of Public Safety (405)	Current Salary	\$162,000
	Market Average	\$210,838
	Current Salary Group	6
	Recommended Salary Group	7
	Current Salary Range	\$140,900 to \$221,500
	Recommended Salary Range	\$162,000 to \$254,700
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article V Agencies		
Executive Director: Youth Commission (694)	Current Salary	\$160,000
	Market Average	\$201,289
	Current Salary Group	6
	Recommended Salary Group	6
	Current Salary Range	\$140,900 to \$221,500
	Recommended Salary Range	\$140,900 to \$221,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Table 10

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VI Agencies		
Executive Director: Animal Health Commission (554)	Current Salary	\$120,000
	Market Average	\$133,865
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Commission on Environmental Quality (582)	Current Salary	\$145,200
	Market Average	\$198,123
	Current Salary Group	6
	Recommended Salary Group	6
	Current Salary Range	\$140,900 to \$221,500
	Recommended Salary Range	\$140,900 to \$221,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Parks and Wildlife Department (802)	Current Salary	\$143,000
	Market Average	\$191,508
	Current Salary Group	5
	Recommended Salary Group	6
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$140,900 to \$221,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VI Agencies		
Executive Director: Soil and Water Conservation Board (592)	Current Salary	\$92,600
	Market Average	\$139,100
	Current Salary Group	3
	Recommended Salary Group	4
	Current Salary Range	\$ 92,600 to \$145,600
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$13,900
Executive Administrator: Water Development Board (580)	Current Salary	\$135,000
	Market Average	\$175,759
	Current Salary Group	5
	Recommended Salary Group	5
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Table 11

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VII Agencies		
Executive Director: Department of Housing and Community Affairs (332)	Current Salary	\$129,250
	Market Average	\$154,959
	Current Salary Group	5
	Recommended Salary Group	5
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Texas Lottery Commission (362)	Current Salary	\$185,350 ¹⁵
	Market Average	\$185,622
	Current Salary Group	6
	Recommended Salary Group	6
	Current Salary Range	\$140,900 to \$221,500
	Recommended Salary Range	\$140,900 to \$221,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Department of Motor Vehicles (608)	Current Salary	\$175,000
	Market Average	\$180,496
	Current Salary Group	5
	Recommended Salary Group	6
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$140,900 to \$221,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0

¹⁵ Salary reflects the not-to-exceed rate, which incorporates the authority provided in Article IX, Section 3.05(c), of the General Appropriations Act (81st Legislature) to increase the executive officer's salary from its previous level of \$140,900. During the time period of this review, the Texas Lottery Commission had an interim director. The interim director was officially hired as the agency's executive director effective April 2010 with a salary of \$185,319.

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VII Agencies		
Executive Director: Texas Department of Rural Affairs (357)	Current Salary	\$106,500
	Market Average	\$142,461
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive officer to Minimum of New Salary Group	Not Applicable
Executive Director: Department of Transportation (601)	Current Salary	\$192,500
	Market Average	\$236,010
	Current Salary Group	8
	Recommended Salary Group	8
	Current Salary Range	\$186,300 to \$292,500
	Recommended Salary Range	\$186,300 to \$292,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Texas Workforce Commission (320)	Current Salary	\$140,000
	Market Average	\$199,716
	Current Salary Group	5
	Recommended Salary Group	6
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$140,900 to \$221,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$900

Table 12

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VIII Agencies		
Chief Administrative Law Judge: State Office of Administrative Hearings (360)	Current Salary	\$122,500
	Market Average	\$173,054
	Current Salary Group	5
	Recommended Salary Group	5
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Board of Chiropractic Examiners (508)	Current Salary	\$70,000
	Market Average	\$91,636
	Current Salary Group	1
	Recommended Salary Group	1
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$70,000 to \$110,000
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Texas State Board of Dental Examiners (504)	Current Salary	\$82,500
	Market Average	\$111,998
	Current Salary Group	2
	Recommended Salary Group	2
	Current Salary Range	\$80,500 to \$126,600
	Recommended Salary Range	\$80,500 to \$126,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Funeral Service Commission (513)	Current Salary	\$70,000
	Market Average	\$96,409
	Current Salary Group	1
	Recommended Salary Group	1
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$70,000 to \$110,000
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VIII Agencies		
Executive Director: Board of Professional Geoscientists (481)	Current Salary	\$70,000
	Market Average	\$98,805
	Current Salary Group	1
	Recommended Salary Group	1
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$70,000 to \$110,000
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Public Counsel: Office of Injured Employee Counsel (448)	Current Salary	\$115,500
	Market Average	\$145,986
	Current Salary Group	3
	Recommended Salary Group	4
	Current Salary Range	\$92,600 to \$145,600
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0
Commissioner of Insurance: Department of Insurance (454)	Current Salary	\$163,800
	Market Average	\$193,299
	Current Salary Group	6
	Recommended Salary Group	6
	Current Salary Range	\$140,900 to \$221,500
	Recommended Salary Range	\$140,900 to \$221,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Commissioner of Workers' Compensation: Department of Insurance, Division of Workers' Compensation (454)	Current Salary	\$140,000
	Market Average	\$162,667
	Current Salary Group	5
	Recommended Salary Group	5
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VIII Agencies		
Public Counsel: Office of Public Insurance Counsel (359)	Current Salary	\$106,500
	Market Average	\$148,157
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Board of Professional Land Surveying (464)	Current Salary	\$70,000
	Market Average	\$91,645
	Current Salary Group	1
	Recommended Salary Group	1
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$70,000 to \$110,000
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Department of Licensing and Regulation (452)	Current Salary	\$135,000
	Market Average	\$151,879
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Texas Medical Board (503)	Current Salary	\$110,000
	Market Average	\$141,031
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500 ¹⁶
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

¹⁶The Texas Medical Board also may approve a salary supplement not to exceed \$12,000 annually if the executive director is a medical doctor and an attorney as authorized by Rider 3, page VIII-37, General Appropriations Act (81st Legislature).

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VIII Agencies		
Executive Director: Texas Board of Nursing (507)	Current Salary	\$92,600
	Market Average	\$122,781
	Current Salary Group	3
	Recommended Salary Group	3
	Current Salary Range	\$92,600 to \$145,600
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Optometry Board (514)	Current Salary	\$70,000
	Market Average	\$89,641
	Current Salary Group	1
	Recommended Salary Group	1
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$70,000 to \$110,000
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Board of Pharmacy (515)	Current Salary	\$106,500
	Market Average	\$138,197
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Executive Council of Physical Therapy and Occupational Therapy Examiners (533)	Current Salary	\$70,000
	Market Average	\$101,591
	Current Salary Group	1
	Recommended Salary Group	2
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$80,500 to \$126,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$10,500

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VIII Agencies		
Executive Director: Board of Plumbing Examiners (456)	Current Salary	\$77,000
	Market Average	\$110,855
	Current Salary Group	1
	Recommended Salary Group	2
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$80,500 to \$126,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$3,500
Executive Director: Board of Podiatric Medical Examiners (512)	Current Salary	\$55,000
	Market Average	\$88,016
	Current Salary Group	1
	Recommended Salary Group	1
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$70,000 to \$110,000
	Annual Cost to Move Executive Officer to Minimum of Current Salary Group ¹⁷	\$15,000
Executive Director: Board of Examiners of Psychologists (520)	Current Salary	\$75,075
	Market Average	\$95,103
	Current Salary Group	1
	Recommended Salary Group	1
	Current Salary Range	\$70,000 to \$110,000
	Recommended Salary Range	\$70,000 to \$110,000
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Racing Commission (476)	Current Salary	\$94,090
	Market Average	\$130,944
	Current Salary Group	2
	Recommended Salary Group	3
	Current Salary Range	\$80,500 to \$126,600
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0

¹⁷ The executive officer's current annual salary is less than the minimum of the position's assigned salary group.

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VIII Agencies		
Administrator: Real Estate Commission (329)	Current Salary	\$106,500
	Market Average	\$133,105
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Securities Commissioner: Securities Board (312)	Current Salary	\$130,000
	Market Average	\$150,813
	Current Salary Group	5
	Recommended Salary Group	5
	Current Salary Range	\$122,500 to \$192,600
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable
Executive Director: Public Utility Commission of Texas (473)	Current Salary	\$125,000
	Market Average	\$153,752
	Current Salary Group	4
	Recommended Salary Group	5
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0
Public Counsel: Office of Public Utility Counsel (475)	Current Salary	\$115,000
	Market Average	\$145,087
	Current Salary Group	4
	Recommended Salary Group	4
	Current Salary Range	\$106,500 to \$167,500
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VIII Agencies		
Executive Director: Board of Veterinary Medical Examiners (578)	Current Salary	\$80,500
	Market Average	\$101,165
	Current Salary Group	2
	Recommended Salary Group	2
	Current Salary Range	\$80,500 to \$126,600
	Recommended Salary Range	\$80,500 to \$126,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	Not Applicable

Table 13

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VIII Independent Agencies		
Executive Director: Board of Public Accountancy (457)	Current Salary	\$120,000
	Market Average	\$137,154
	Current Salary Group	None
	Recommended Salary Group	4
	Current Salary Range	None
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0
Executive Director: Board of Architectural Examiners (459)	Current Salary	\$108,303
	Market Average	\$121,607
	Current Salary Group	None
	Recommended Salary Group	3
	Current Salary Range	None
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0
Commissioner: Department of Banking (451)	Current Salary	\$180,000
	Market Average	\$162,417
	Current Salary Group	No Salary Group
	Recommended Salary Group	5
	Current Salary Range	None
	Recommended Salary Range	\$122,500 to \$192,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0

Market Analysis and Recommended Salary Groups Assignments for Executive Officer Positions of Article VIII Independent Agencies		
Commissioner: Office of Consumer Credit Commissioner (466)	Current Salary	\$167,000
	Market Average	\$143,120
	Current Salary Group	No Salary Group
	Recommended Salary Group	4
	Current Salary Range	No Salary Range
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0
Commissioner: Credit Union Department (469)	Current Salary	\$125,000
	Market Average	\$129,214
	Current Salary Group	No Salary Group
	Recommended Salary Group	3
	Current Salary Range	No Salary Range
	Recommended Salary Range	\$92,600 to \$145,600
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0
Executive Director: Board of Professional Engineers (460)	Current Salary	\$105,000 ¹⁸
	Market Average	\$132,403
	Current Salary Group	None
	Recommended Salary Group	4
	Current Salary Range	None
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$1,500
Commissioner: Department of Savings and Mortgage Lending (450)	Current Salary	\$155,000
	Market Average	\$146,954
	Current Salary Group	Not Applicable
	Recommended Salary Group	4
	Current Salary Range	No Range
	Recommended Salary Range	\$106,500 to \$167,500
	Annual Cost to Move Executive Officer to Minimum of New Salary Group	\$0

¹⁸ During the time period of this review, the Board of Professional Engineers had an interim director. The interim director was officially hired to serve as the agency's executive director in May 2010 with the salary of \$105,000.

Excerpt from the General Appropriations Act Regarding Exempt Positions

The General Appropriations Act, 81st Legislature, Article IX, Section 3.05, provides guidance on salary groups for and changes to exempt position salaries under the “Scheduled Exempt Positions.” A copy of this section is provided below.

Scheduled Exempt Positions

Except for the positions listed under Subsection (b)(3) or (c)(6), a position listed following an agency’s appropriation in the agency’s “Schedule of Exempt Positions” shall receive compensation at a rate not to exceed the amount indicated in that agency’s “Schedule of Exempt Positions.”

(1) Notwithstanding the rate listed in an agency’s “Schedule of Exempt Positions,” a position listed in Subsection (b)(3) may receive compensation at a rate set by the Governor in an amount not to exceed the “Maximum Salary” but not less than the “Minimum Salary” for the appropriate group as listed in Subsection (b)(2).

(2) An exempt position listed in Subsection (b)(3) or (c)(6) for which the term “Group,” followed by an Arabic numeral, is indicated, may receive compensation at a rate within the range indicated below for the respective salary group indicated.

Scheduled Exempt Position Salary Rates		
Group	Minimum Salary	Maximum Salary
1	\$ 70,000	\$ 110,000
2	\$ 80,500	\$ 126,600
3	\$ 92,600	\$145,600
4	\$ 106,500	\$167,500
5	\$ 122,500	\$192,600
6	\$140,900	\$221,500
7	\$162,000	\$254,700
8	\$186,300	\$292,500

(3)

Agency	Position	Salary Group
(A) Fire Fighters' Pension Commissioner	Commissioner	Group 1
(B) Secretary of State	Secretary of State	Group 5
(C) Office of State-Federal Relations	Executive Director	Group 3
(D) Health and Human Services Commission	Executive Commissioner	Group 8
(E) Texas Education Agency	Commissioner of Education	Group 8
(F) Adjutant General's Department	Adjutant General	Group 5
(G) Texas Department of Criminal Justice	Presiding Officer, Board of Pardons and Paroles	Group 4
(H) Texas Department of Criminal Justice	Parole Board Members (6)	Group 3
(I) Texas Commission on Environmental Quality	Commissioners (3)	Group 6
(J) Texas Department of Housing and Community Affairs	Executive Director	Group 5
(K) Texas Workforce Commission	Commissioners (2)	Group 5
(L) Texas Workforce Commission	Commission Chair	Group 6
(M) State Office of Administrative Hearings	Chief Administrative Law Judge	Group 5
(N) Texas Department of Insurance	Commissioner of Insurance	Group 6
(O) Office of Public Insurance Counsel	Public Counsel	Group 4
(P) Public Utility Commission of Texas	Commissioners (3)	Group 6
(Q) Office of Public Utility Counsel	Public Counsel	Group 4
(R) Bond Review Board	Executive Director	Group 3
(S) Texas Department of Insurance	Commissioner of Workers' Compensation	Group 5

(c) (1) Notwithstanding the rate listed in an agency's "Schedule of Exempt Positions," an agency whose exempt position listed following the agency's appropriations in the "Schedule of Exempt of Positions" is listed in Subsection (c)(6) may request to set the rate of compensation provided for the agency's respective exempt position at an amount not to exceed the "Maximum Salary" but not less than the "Minimum Salary" for the appropriate group as listed in Subsection (b)(2).

(2) The request submitted by the governing board of the state agency shall include at a minimum:

(A) The date on which the board approved the request;

(B) A statement justifying the need to exceed the limitation; and

(C) The source of funds to be used to pay the additional salary amount.

(3) The governing board may make a request under subsection (c)(1) a maximum of once per fiscal year or upon a vacancy in an exempt position listed in subsection (c)(6).

(4) A proposed rate increase shall be considered to be approved if neither the Legislative Budget Board nor the Governor issues a written disapproval of the proposal not later than:

(A) the tenth business day after the date the staff of the Legislative Budget Board concludes its review of the proposed rate increase and forwards its review to the Chair of the House Committee on Appropriations, Chair of the Senate Committee on Finance, Speaker of the House, and Lieutenant Governor; and

(B) the tenth business day after the receipt of the proposed transfer by the Governor.

(5) If a proposed rate increase is approved, the Legislative Budget Board shall notify the affected agency, the Governor's Office, and the Comptroller.

(6)

Agency	Position	Salary Group
(A) Department of State Health Services	Commissioner	Group 7
(B) Department of Family and Protective Services	Commissioner	Group 7
(C) Higher Education Coordinating Board	Commissioner	Group 8
(D) Department of Aging and Disability Services	Commissioner	Group 7
(E) Department of Information Resources	Executive Director	Group 6
(F) Department of Assistive and Rehabilitative Services	Commissioner	Group 7
(G) Texas Lottery Commission	Executive Director	Group 6
(H) Texas Youth Commission	Executive Director	Group 6
(I) Preservation Board	Executive Director	Group 4

(d) In addition to all other requirements, any salary increase from appropriated funds within the limits provided by this section and salary increases within the limit established under an agency's bill pattern, must be:

- (1) in writing;
- (2) signed by the presiding officer of the governing board;
- (3) submitted to the Governor, the Legislative Budget Board and the Comptroller; and
- (4) approved by the governing board in a public meeting.

(e) (1) Each title listed in a "Schedule of Exempt Positions" following an agency's appropriation authorizes one position for the agency unless the title is followed by an Arabic numeral indicating the number of positions authorized.

(2) The number of authorized positions for a title listed in a "Schedule of Exempt Positions" may be exceeded only:

- (A) for the purpose of hiring a replacement in a key management position as certified by the chief administrator of the agency;
- (B) if the current incumbent of the position has formally resigned or otherwise announced irrevocable plans to vacate the position;
- (C) for a period of time not to exceed the equivalent of one month's salary per fiscal year per terminating incumbent (excluding time spent on the payroll for the purpose of exhausting accrued annual leave or state compensatory time); and
- (D) if exceptions are reported as prescribed for payroll reporting procedures.

Salary Comparisons for Elected Officials

Table 14 lists the salaries for elected officials in the 10 most populous states and 4 states surrounding Texas. This includes the Secretary of State, which is not an elected position but is appointed by the Governor.

Table 14

Salaries for Elected Officials in the Most Populous States and States Surrounding Texas							
State	Governor	Attorney General	Comptroller	Railroad Commission	General Land Office	Secretary of State	Agriculture
Arkansas	\$87,352	\$72,794	\$98,472	\$101,088	\$54,594	\$54,594	\$102,784
California	\$173,987	\$151,127	\$139,189	\$132,396	\$147,828	\$130,490	\$175,000
Florida	\$130,273	\$128,972	\$128,972 ^a	\$115,000	Not Provided	\$120,000	\$128,972
Georgia	\$139,339	\$137,791	Not Applicable	\$116,452	Not Provided	\$123,636	\$121,556
Illinois	\$177,500	\$156,600	\$135,700	\$142,400 ^b	\$89,952	\$156,600	\$133,300
Louisiana	\$130,000	\$115,000	\$204,402	\$118,872	\$109,940	\$115,000	\$115,000
Michigan	\$177,000	\$124,900	\$124,964	\$153,000	\$116,600	\$124,900	\$135,000
New Jersey	\$175,000	\$141,000	\$141,000	\$100,000	Not Applicable	\$141,000 ^c	\$141,000
New Mexico	\$110,000	\$95,000	\$117,664	\$133,280	\$90,000	\$85,000	\$160,064
New York	\$179,000	\$151,500	\$151,500	\$120,800	\$136,000	\$120,800	\$120,800
North Carolina	\$139,590	\$123,198	\$153,319	\$92,647	Not Applicable	\$123,198	\$123,198
Oklahoma	\$147,000	\$132,850	\$90,000	\$90,000	Not Provided	\$94,500	\$87,005
Ohio	\$144,269	\$109,554	\$126,401	\$81,266	Not Applicable	\$109,554	\$111,072
Pennsylvania	\$174,914	\$145,529	Not Applicable	\$106,015	Not Applicable	\$125,939	\$125,939
Texas	\$150,000	\$150,000	\$150,000	\$137,500	\$137,500	\$125,880	\$137,500
Average Salaries	\$149,015	\$129,054	\$135,506	\$116,048	\$110,302	\$116,739	\$127,879
Average Salaries (excluding Texas)	\$148,945	\$127,558	\$134,299	\$114,515	\$106,416	\$116,087	\$127,192

^a Salary is for the Florida State Treasurer position.
^b Salary is for the Illinois Commerce Director position.
^c Salary is for the New Jersey Lieutenant Governor position.

Sources: *The Book of the States 2010* and State Auditor's Office salary survey.

Salary Comparisons for Judicial Officials

Table 15 lists the salaries for Chief Justice, Associate Justice, and Justices on the Court of Appeals in the most populous states and states surrounding Texas.

Table 15

Salaries for Judicial Officials in the Most Populous States and States Surrounding Texas			
State	Chief Judge/Justice	Associate Judge/Justice	Chief/Presiding Court of Appeals
Arkansas	\$157,000	\$145,000	\$143,000
California	\$229,000	\$218,000	\$205,000 ^a
Florida	\$158,000	\$158,000	\$150,000 ^a
Georgia	\$167,000	\$167,000	\$166,000 ^a
Illinois	\$202,000	\$202,000	\$190,000
Louisiana	\$144,000	\$137,000	\$137,000
Michigan	\$165,000	\$165,000	\$151,000 ^a
New Jersey	\$193,000	\$185,000	\$176,000
New Mexico	\$126,000	\$124,000	\$119,000
New York	\$156,000	\$151,000	\$148,000
North Carolina	\$141,000	\$137,000	\$135,000
Oklahoma	\$147,000	\$138,000	\$133,000
Ohio	\$151,000	\$142,000	\$132,000 ^a
Pennsylvania	\$192,000	\$186,000	\$181,000
Texas	\$152,500	\$150,000	\$140,000
Average Salaries	\$165,367	\$160,333	\$153,733
Average Salaries (excluding Texas)	\$166,286	\$161,071	\$154,714
^a State did not distinguish whether salary was for presiding judge or other justices.			

Sources: *Survey of Judicial Salaries, Volume 34, Number 2, June 30, 2009*, National Center for State Courts; and the General Appropriations Act (81st Legislature).

Salary Provisions for Members of the Judiciary

Judges and justices in the judicial branch have limitations on salaries. Table 16 provides an outline of these salary provisions.

Table 16

Provisions for Salaries in the Judicial Branch		
Title	Minimum Salary	Maximum Salary
District Judge	\$125,000	Combined salary (state and county sources), including compensation for any extrajudicial services performed on behalf of the county, may not exceed the amount that is \$5,000 less than the salary provided for a justice of a court of appeals. ^a
Justice, Court of Appeals	110 percent of salary of district judge.	Combined salary (state and county sources), including compensation for any extrajudicial services performed on behalf of the county, may not exceed the amount that is \$5,000 less than the salary provided for a justice of the Texas Supreme Court. ^a
Justice, Supreme Court and Judge, Criminal Court of Appeals	120 percent of salary of district judge excluding chief justice and presiding judge positions.	None.
Chief Justice of Supreme Court, Presiding Judge of Court of Criminal Appeals, and Chief of a Court of Appeals	\$2,500 more than the salary provided for other justices or judges of the court.	Combined salary may not exceed the amount that is \$2,500 less than the salary provided for a justice of the Texas Supreme Court.
^a This excludes chief justice positions.		

Source: Texas Government Code, Section 659.012.

Not-to-exceed Rate Analysis

Salary Groups and Salary Ranges

The State currently has eight salary groups. Each salary group has a salary range setting the minimum and maximum annual salary allowed for each executive officer assigned to that group.

There are 73 executive officer positions included in this review that are assigned to salary groups and also are assigned not-to-exceed (NTE) rates. The State Classification Team within the State Auditor's Office reviewed these NTE rates and determined that:

- 67 executive officers are currently earning annual salaries that are the same as their NTE rates.¹⁹
- 21 executive officer positions have assigned NTE rates that are at the minimum of the position's assigned salary range.
- 1 executive officer position has an assigned NTE rate that is less than the minimum of the position's assigned salary range.
- For 95 percent of the 73 executive officer positions, the assigned NTE rate is less than the midpoint of their assigned salary ranges. Salary ranges are typically developed around the midpoint (market average) to allow for flexibility in pay variances based on employee experience, expertise, and performance.

¹⁹ If a position was vacant, this analysis used the salary for the "acting executive officer."

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