

The State of Texas
House of Representatives



Jim Jackson

DISTRICT 115

May 22, 2008

Ann S. Fuelberg
Executive Director
Employees Retirement System of Texas
1801 Brazos
Austin, TX 78701

Director Fuelberg:

This letter is to inquire about the administration of retirement benefits for members of the elected class. I am concerned about the preferential treatment that former elected officials appear to be receiving regarding retirement benefits. Specifically, I am concerned that former members of the elected class are able to work for the State in the employee class and then transfer their benefits to the elected class.

Page 12 of the December 2007 issue of "Retirement Benefits for Members of the Elected Class" which is published by the Employees Retirement System of Texas (ERS) says:

"If you retired with at least eight years of service, exclusive of military credit as an elected official, you will be eligible to transfer employee class service to your retiree elected class account."

Upon reading this sentence, the preferential treatment of former members of the elected class is unnerving, and it seems apparent to me now why the "Ghost Worker" scandal is taking place. Some of these former members take full-time positions at the state, while others take "on-call" positions with other elected officials, but are labeled "full-time."


It is the "on-call" former members that concern me the most. This despicable practice lines the pockets of undeserving former members who continue to build their pension yet perform little or no work. These former members are being paid a pittance of a salary while being labeled "full-time" employees, then transferring their accrued benefits to the elected class. Whether or not this "Ghost Worker" issue has been a longstanding practice of the House or is a member-to-member courtesy is irrelevant to me; it is unfair and wrong for elected officials to receive this kind of undeserved benefit. This practice amounts to little more than theft.

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This is not a political issue, but an ethical one. This is not about pay, but about principle. Employees and elected officials receive very different retirement benefits, and elected officials should not be able to transfer their benefits back and forth when the rest of the 200,000 state employees and retirees cannot. A former elected official should not be able to accrue retirement benefits in the elected class when not holding elected office. If that elected official retires and returns to work as a state employee, then the benefits that person accrues in the employee class should not be transferrable to his elected class account.

I respectfully request copies of ERS records of all former State elected officials, past and present, who after leaving office were listed as full-time employees with any state agency that makes them eligible to participate in the employee class of ERS. Further, I would like to know what each of their salaries is/was, and whether or not that State elected official has transferred earned eligibility from the employee class pension to that person's elected class pension.

Regards,



Jim Jackson
State Representative

Cc: Representative Larry Phillips, Chair
House General Investigating and Ethics Committee

Representative Tony Goolsby, Chair
House Administration Committee