

By: Bailey

H.B. No. 1640

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the work hours of and compensatory time and overtime pay
3 for commissioned officers of the Department of Public Safety.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The section heading to Section 411.016,
6 Government Code, is amended to read as follows:

7 Sec. 411.016. HOURS OF WORK; COMPENSATORY TIME; OVERTIME
8 ~~[SUPPLEMENTAL]~~ PAY.

9 SECTION 2. Section 411.016, Government Code, is amended by
10 amending Subsections (a), (b), (c), and (e) and adding Subsections
11 (b-1) and (f) to read as follows:

12 (a) The department shall require officers commissioned by
13 the department who are employed on a full-time basis to work
14 eight-hour daily shifts for a total of 40 hours during a calendar
15 week. An eight-hour daily shift must include a paid one-hour meal
16 break during which the officer shall be required to remain on call
17 in the officer's assigned area of duty. ~~[This section applies to an~~
18 ~~officer commissioned by the department who is not employed in a~~
19 ~~position that the director has declared to be administrative,~~
20 ~~executive, or professional.]~~

21 (b) If, during a calendar week, the total number of hours
22 worked by a commissioned officer plus the number of hours of leave
23 taken for which the officer is entitled to compensation, including
24 approved sick leave, vacation, holiday, holiday compensatory time,

1 emergency leave, administrative leave, and jury duty, equal more
2 than 40 hours, the officer is entitled to overtime pay or 1-1/2
3 hours of compensatory time for each [the] excess hour worked [is
4 overtime. For each calendar month, the overtime for each week
5 ending during that month shall be totaled. If the total overtime
6 for the month exceeds eight hours, the officer may receive, in
7 addition to the officer's regular monthly salary, a supplement
8 determined as follows:

9 ~~[(1) a commissioned officer who accumulates more than~~
10 ~~eight hours but less than 16 hours of overtime in a calendar month~~
11 ~~may receive five percent of the officer's regular monthly salary;~~

12 ~~[(2) a commissioned officer who accumulated 16 or more~~
13 ~~hours but less than 32 hours of overtime in a calendar month may~~
14 ~~receive 10 percent of the officer's regular monthly salary; and~~

15 ~~[(3) a commissioned officer who accumulated 32 or more~~
16 ~~hours of overtime in a calendar month may receive 15 percent of the~~
17 ~~officer's regular monthly salary].~~

18 (b-1) If, during a calendar week, the total number of hours
19 worked by a commissioned officer plus the number of hours of leave
20 taken for which the officer is entitled to compensation, including
21 approved sick leave, vacation, holiday, holiday compensatory time,
22 emergency leave, administrative leave, and jury duty, equal more
23 than 48 hours, the officer is entitled to overtime pay for each
24 excess hour worked.

25 ~~(c) [The formula prescribed by Subsection (b) is the~~
26 ~~exclusive method of computing state compensation for overtime~~
27 ~~entitlements.] This section applies only to the computation of~~

1 overtime entitlements and does not apply to the method of
2 compensating a commissioned officer for working on regularly
3 scheduled state holidays.

4 (e) Overtime pay earned by an officer under this section
5 shall be paid at a rate of 1-1/2 the amount of the officer's regular
6 hourly pay rate [~~If the funds appropriated to the department to~~
7 ~~provide supplemental pay are insufficient to pay all earned~~
8 ~~overtime entitlements, the director may provide for compensatory~~
9 ~~time to be taken during the biennium in which the entitlements are~~
10 ~~earned~~].

11 (f) If a conflict exists between this section and Section
12 659.015, this section controls.

13 SECTION 3. This Act takes effect September 1, 2003.