

By: Naishtat

H.B. No. 2082

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to hours of labor worked by commissioned officers of the  
3 Department of Public Safety.

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

5 SECTION 1. Subchapter A, Chapter 411, Government Code, is  
6 amended by adding Section 411.0079 to read as follows:

7 Sec. 411.0079. HOURS OF LABOR FOR COMMISSIONED OFFICERS.

8 (a) A commissioned officer of the department may not, except as  
9 provided by subsection (b) or (d), be required to work more hours  
10 during a calendar week than the number of hours in the normal work  
11 of the majority of the employees of the department other than  
12 commissioned officers.

13 (b) In the event of an emergency, a commissioned officer may  
14 be required to work more hours than permitted by Subsection (a). An  
15 emergency is an unexpected happening or event or an unforeseen  
16 situation or crisis that calls for immediate action and requires  
17 the director or his designee to order a commissioned officer to work  
18 overtime.

19 (c) A commissioned officer required to work overtime in an  
20 emergency is entitled to be compensated for the overtime at a rate  
21 equal to 1-1/2 times the compensation paid to the officer for  
22 regular hours unless the officer elects, with the approval of the  
23 director, to accept compensatory time equal to 1-1/2 times the  
24 number of overtime hours. For purposes of the subsection,

1 compensable hours of work include all hours during which a  
2 commissioned officer is:

3 (1) on duty at the officer's prescribed workplace or  
4 required or permitted to work for the department, including  
5 preshift and postshift activities that are:

6 (A) an integral part of the officer's principal  
7 activity; or

8 (B) closely related to the performance of the  
9 principal activity; and

10 (2) away from the premise of the officers workplace  
11 under conditions that are so circumscribed that the officer is  
12 restricted from effectively using the time for personal pursuits.

13 (c) Bona fide meal periods are not counted as hours worked.  
14 For a bona fide meal period, which does not include coffee breaks or  
15 time for snacks, a commissioned officer must be completely relieved  
16 from duty. Ordinarily, 30 minutes or more is long enough for a bona  
17 fide meal period. A period shorter than 30 minutes may be long  
18 enough for a bona fide meal period under special conditions. A  
19 commissioned officer is not relieved from duty if the officer is  
20 required to perform any duties, whether active or inactive, during  
21 the meal period.

22 (d) With the approval of the commissioned officer, the  
23 department may adopt a work schedule that requires the commissioned  
24 officer to work more hours than permitted by subsection (a),  
25 however the officer is entitled to overtime pay if the officer works  
26 more hours during a calendar month than the number of hours in the  
27 normal work month of the majority of the employees of the department

1 other than commissioned officers.

2 SECTION 2. This Act takes effect September 1, 2003.