

By: Deshotel

H.B. No. 2743

A BILL TO BE ENTITLED

AN ACT

relating to the overtime compensation of employees of the Texas Youth Commission.

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

SECTION 1. Section 659.015, Government Code, is amended by amending Subsections (c) and (g) and adding Subsection (i) to read as follows:

(c) Except as provided by Subsection (i), an [An] employee who is required to work hours in excess of 40 hours in a workweek is entitled to compensation for the excess hours either by:

(1) the agency allowing or requiring the employee to take compensatory time off at the rate of 1-1/2 hours off for each hour of overtime; or

(2) at the discretion of the employing agency, in cases in which granting compensatory time off is impractical, the employee receiving pay for the overtime at the rate equal to 1-1/2 times the employee's regular rate of pay.

(g) Compensatory time off to which an employee is entitled under Subsection (f) must be taken during the 12-month period following the end of the workweek in which the compensatory time was accrued or it lapses. An employee may not be paid for that compensatory time, except that:

(1) compensatory time of an employee of the Texas Youth Commission is not subject to a lapse under this subsection and

1 the employee shall be paid for all compensatory time the employee
2 has accumulated up to the employee's separation from employment
3 with the commission in accordance with Subsection (i)(3); and

4 (2) [~~However,~~] an employee of an institution of
5 higher education as defined by Section 61.003, Education Code, or
6 an employee engaged in a public safety activity, including highway
7 construction and maintenance or an emergency response activity, may
8 be paid at the employee's regular rate of pay for that compensatory
9 time if the employer determines that taking the compensatory time
10 off would disrupt normal teaching, research, or other critical
11 functions.

12 (i) Subsection (e) does not apply to an employee of the
13 Texas Youth Commission. For each hour of compensatory time off to
14 which the employee is otherwise entitled under Subsection (f), an
15 employee of the Texas Youth Commission:

16 (1) is entitled to compensatory time off at the rate of
17 1-1/2 hours not to exceed a total of five hours in a week;

18 (2) in addition to the compensatory time off to which
19 the employee is entitled under Subdivision (1), is entitled to pay
20 in the employee's regular paycheck at the rate of 1-1/2 times the
21 employee's regular rate of pay for any overtime over five hours in a
22 week; and

23 (3) at the time of the employee's separation from
24 employment with the Texas Youth Commission, shall be paid by the
25 commission at the employee's regular rate of pay for any
26 compensatory time accumulated under Subdivision (1).

27 SECTION 2. Sections 659.015(i)(1) and (2), Government Code,

1 as added by this Act, apply only to overtime hours worked by an
2 employee of the Texas Youth Commission on or after the effective
3 date of this Act.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2005.