

By: Deshotel

H.B. No. 2745

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the overtime compensation of employees of the Texas
3 Department of Criminal Justice.

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

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

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

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

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

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

23 (1) compensatory time of an employee of the Texas
24 Department of Criminal Justice is not subject to a lapse under this

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

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

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

18 (1) is entitled to compensatory time off at the rate of
19 1-1/2 hours, not to exceed a total of five hours in a week;

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

25 (3) at the time of the employee's separation from
26 employment with the Texas Department of Criminal Justice, shall be
27 paid by the department at the employee's regular rate of pay for any

1 compensatory time accumulated under Subdivision (1).

2 SECTION 2. Sections 659.015(i)(1) and (2), Government Code,
3 as added by this Act, apply only to overtime hours worked by an
4 employee of the Texas Department of Criminal Justice on or after the
5 effective date of this Act.

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