

By: Kuempel

H.B. No. 2241

Substitute the following for H.B. No. 2241:

By: Guillen

C.S.H.B. No. 2241

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(b) Except as provided by Subsection (b-1), if [If], during
a 28-day pay cycle [calendar week], the total number of hours worked
by a commissioned officer plus the number of hours of leave taken
for which the officer is entitled to compensation, including
approved sick leave, vacation, holiday, holiday compensatory time,
emergency leave, administrative leave, and jury duty, equal more
than 160 [40] hours, the excess is overtime and the officer is
entitled to 1-1/2 hours of compensatory time for each excess hour
worked~~[. For each calendar month, the overtime for each week ending~~
~~during that month shall be totaled. If the total overtime for the~~
~~month exceeds eight hours, the officer may receive, in addition to~~
~~the officer's regular monthly salary, a supplement determined as~~
~~follows:~~

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

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

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

10 (b-1) If, during a 28-day pay cycle, the total number of
11 hours worked by a commissioned officer exceeds 171 hours, the
12 officer is entitled to overtime pay or 1-1/2 hours of compensatory
13 time for each excess hour worked.

14 (c) ~~[The formula prescribed by Subsection (b) is the~~
15 ~~exclusive method of computing state compensation for overtime~~
16 ~~entitlements.]~~ This section applies only to the computation of
17 overtime entitlements and does not apply to the method of
18 compensating a commissioned officer for working on regularly
19 scheduled state holidays.

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

27 (f) The department shall establish a compensatory time

1 account for each commissioned officer in which compensatory time
2 earned under Subsection (b) is maintained. An officer may
3 accumulate compensatory time in this account in an unlimited
4 amount. Notwithstanding Section 659.015(g), compensatory time
5 earned under Subsection (b) by an officer does not expire or lapse
6 and remains in the officer's compensatory time account until used
7 by the officer or until the officer's resignation or termination.
8 At the time of the officer's resignation or termination, any
9 compensatory time accumulated under Subsection (b) lapses and the
10 officer may not be paid for that compensatory time.

11 (g) An officer may accumulate compensatory time under
12 Subsection (b-1) in an amount equal to the maximum amount that may
13 be accrued for work in a public safety activity under the Fair Labor
14 Standards Act, 29 U.S.C. Section 207(o)(3)(A). The department
15 shall establish a separate compensatory time account for each
16 commissioned officer in which compensatory time earned under
17 Subsection (b-1) is maintained. Notwithstanding Section
18 659.015(g), compensatory time earned under Subsection (b-1) by an
19 officer does not expire or lapse and remains in the officer's
20 compensatory time account until used by the officer.

21 (h) If a conflict exists between this section and Section
22 659.015, this section controls.

23 SECTION 3. This Act takes effect September 1, 2007.