

By: Kuempel

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. Section 411.016, Government Code, is amended to  
read as follows:

Sec. 411.016. HOURS OF WORK; COMPENSATORY TIME; OVERTIME  
[SUPPLEMENTAL] PAY. (a) The department shall require officers  
commissioned by the department who are employed on a full-time  
basis to work eight-hour daily shifts for a total of 40 hours during  
a calendar week. An eight-hour daily shift must include a paid  
one-hour meal break during which the officer shall be required to  
remain on call in the officer's assigned area of duty. ~~[This section~~  
~~applies to an officer commissioned by the department who is not~~  
~~employed in a position that the director has declared to be~~  
~~administrative, executive, or professional.]~~

(b) If, during a 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 40 hours, the officer is entitled to overtime pay or 1-1/2  
hours of compensatory time for each [the] excess hour worked [is  
~~overtime. For each calendar month, the overtime for each week~~

1 ~~ending during that month shall be totaled. If the total overtime~~  
2 ~~for the month exceeds eight hours, the officer may receive, in~~  
3 ~~addition to the officer's regular monthly salary, a supplement~~  
4 ~~determined as follows.~~

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

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

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

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

21 (c) ~~[The formula prescribed by Subsection (b) is the~~  
22 ~~exclusive method of computing state compensation for overtime~~  
23 ~~entitlements.]~~ This section applies only to the computation of  
24 overtime entitlements and does not apply to the method of  
25 compensating a commissioned officer for working on regularly  
26 scheduled state holidays.

27 (d) A commissioned officer may receive a supplement paid by

1 the federal government earned while working on a project funded by  
2 the federal government, and that supplement may not be considered  
3 in determining a commissioned officer's entitlement under this  
4 section.

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

12 (f) If a conflict exists between this section and Section  
13 659.015, this section controls.

14 SECTION 2. This Act takes effect September 1, 2007.