

BILL ANALYSIS

H.B. 3631
By: Farabee
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current government code provisions and the Appropriations Act do not allow payment of compensatory time earned by Fair Labor Standards Act exempt employees working overtime hours directly related to the response to a gubernatorial or presidential declared disaster or emergency.

H.B. 3631 authorizes a state employee not subject to the Fair Labor Standards Act to be paid for the hours of compensatory time the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3631 amends the Government Code to authorize a state employee not subject to the Fair Labor Standards Act to be paid for the hours of compensatory time the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

H.B. 3631 removes a prohibition on a state employee's personal residence being considered the employee's regular or temporarily assigned place of employment. The bill authorizes an employee to accumulate compensatory time off for hours worked during any calendar week at the employee's personal residence, if the employee obtains the advance approval of the administrative head of the agency for which the employee works or that person's designee.

H.B. 3631 specifies that the six-month limitations prescribed by provisions relating to merit salary increases and one-time merit payments do not apply if the administrative head of the agency determines in writing that the merit payment is made in relation to the state employee's performance during a natural disaster or other extraordinary circumstance.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.