

## **BILL ANALYSIS**

S.B. 1474  
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Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law state emergency services personnel exempt from the Fair Labor Standards Act only have one year to use accrued compensatory time. Additionally, agency heads are not allowed to pay overtime to emergency services personnel. Due to the frequency and degree of recent natural disasters and emergencies in Texas, many emergency services personnel have not been able to use their accrued compensatory time before the mandatory expiration date.

S.B. 1474 authorizes certain emergency services personnel who are state employees to use accrued compensatory time within 18 months. This bill authorizes a state agency head to pay such an employee overtime at the employee's regular salary rate for all or part of the compensatory time accrued by the employee during a declared disaster. S.B. 1474 only applies to state employees who are firefighters, police officers and other peace officers, emergency medical technicians, emergency management personnel, and other individuals who are required, in the course and scope of their employment, to provide services for the benefit of the general public during emergency situations.

### **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**

S.B. 1474 amends the Government Code to make its provisions applicable only to a state employee who is emergency services personnel as defined by the bill, is not subject to the overtime provisions of the federal Fair Labor Standards Act of 1938, and is not an employee of the legislature, including an employee of the lieutenant governor or of a legislative agency. The bill authorizes such an employee to be allowed to take compensatory time off during the 18-month period following the end of the workweek in which the compensatory time was accrued. The bill authorizes the administrative head of a state agency that employs such an employee to pay the employee overtime at the employee's regular hourly salary rate for all or part of the hours of compensatory time off accrued by the employee during a declared disaster in the preceding 18-month period, and requires the administrative head to reduce the employee's compensatory time balance by one hour for each hour the employee is paid overtime. The bill defines "emergency services personnel" to include firefighters, police officers and other peace officers, emergency medical technicians, emergency management personnel, and other individuals who are required, in the course and scope of their employment, to provide services for the benefit of the general public during emergency situations.

### **EFFECTIVE DATE**

September 1, 2009.