

1-1 By: Nichols S.B. No. 1474
1-2 (In the Senate - Filed March 6, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 8, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; April 8, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to compensation for certain emergency services personnel.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter B, Chapter 659, Government Code, is
1-11 amended by adding Section 659.025 to read as follows:

1-12 Sec. 659.025. USE OF COMPENSATORY TIME BY CERTAIN EMERGENCY
1-13 SERVICES PERSONNEL; OPTIONAL OVERTIME PAYMENT. (a) In this
1-14 section, "emergency services personnel" includes firefighters,
1-15 police officers and other peace officers, emergency medical
1-16 technicians, emergency management personnel, and other individuals
1-17 who are required, in the course and scope of their employment, to
1-18 provide services for the benefit of the general public during
1-19 emergency situations.

1-20 (b) This section applies only to a state employee who is
1-21 emergency services personnel, who is not subject to the overtime
1-22 provisions of the federal Fair Labor Standards Act of 1938 (29
1-23 U.S.C. Section 201 et seq.), and who is not an employee of the
1-24 legislature, including an employee of the lieutenant governor or of
1-25 a legislative agency.

1-26 (c) Notwithstanding Section 659.016 or any other law, an
1-27 employee to whom this section applies may be allowed to take
1-28 compensatory time off during the 18-month period following the end
1-29 of the workweek in which the compensatory time was accrued.

1-30 (d) Notwithstanding Section 659.016 or any other law, the
1-31 administrative head of a state agency that employs an employee to
1-32 whom this section applies may pay the employee overtime at the
1-33 employee's regular hourly salary rate for all or part of the hours
1-34 of compensatory time off accrued by the employee during a declared
1-35 disaster in the preceding 18-month period. The administrative head
1-36 shall reduce the employee's compensatory time balance by one hour
1-37 for each hour the employee is paid overtime under this section.

1-38 SECTION 2. This Act takes effect September 1, 2009.

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