

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 16, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB137 by Gonzalez Tourelles (Relating to compensatory time accrued by a correctional officer employed by the Texas Department of Criminal Justice.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB137, As Introduced: a negative impact of (\$18,902,151) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$18,902,151)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2010	(\$18,902,151)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

Fiscal Analysis

The bill would require the Department of Criminal Justice (TDCJ) to pay correctional officers for unused overtime, if the correctional officer has a satisfactory performance evaluation and has not been subject to disciplinary action during the preceding 12 months. The bill would require the Texas Department of Criminal Justice to make the payment on the anniversary of the date on which the correctional officer began employment.

Methodology

The estimate assumes that TDCJ correctional officers would receive a one-time payment for overtime worked but not previously paid. TDCJ correctional officers would be paid for hours worked at the overtime rate of hours worked multiplied by 1.5. The agency reports that correctional officers,

including food service and laundry managers, and correctional officer sergeants have 1,153,689 hours of banked overtime. Using the average hourly rate, the payment for accrued overtime would be approximately \$18.9 million during fiscal year 2010. Beginning January 2007, the Texas Department of Criminal Justice was required to pay employees subject to the overtime provisions of the federal Fair Labor Standards Act for accrued overtime in the month the employee accrued the overtime. There would be no overtime hours banked beyond this one time payout.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, SDO, DH