

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 25, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: SB2298 by Watson (Relating to compensation of certain state employees.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

Retired Judges Compensation

The bill would amend the Government Code relating to compensation and benefits received by a multidistrict litigation (MDL) pretrial judge under Chapter 90 of the Civil Practice and Remedies Code relating to MDL claims involving asbestos and silica cases. The bill would provide that a retired judge serving as a MDL pretrial judge in Chapter 90 claims receive the same compensation as an active judge serving as a MDL judge in Chapter 90 claims. Under current law, retired judges serving in such cases receive the same compensation as an active judge (a prorated daily rate computed from an annual salary ranging from \$125,000 to \$140,000 depending upon the county in which the retired judge serves), but is not eligible to receive an additional annual salary supplement of \$33,000 received by active judges serving as MDL judges in Chapter 90 claims. This analysis assumes that up to one retired judge serving full-time as a MDL judge in Chapter 90 claims statewide would be eligible to receive an additional salary supplement up to \$33,000 in fiscal year 2010 and each year thereafter

Pay for Compensatory Time

The bill would authorize state agencies to pay state employees who are exempt from earning overtime for compensatory time accrued by the employee during a declared disaster or emergency, or if the employee is employed by a state mental health or mental retardation facility and the agency determines that taking regular time off would be disruptive to normal business. The Department of State Health Services and the Department of Aging and Disability Services currently have authority to pay state employees for compensatory time accrued by the employee during a declared disaster or emergency, or if the employee is employed by a state mental health or mental retardation facility and the agency determines that taking regular time off would be disruptive to normal business. Any costs associated with this provision would only affect other agencies with employees who earn compensatory time during a declared disaster or emergency. The number of hours of compensatory time earned by employees during an emergency would vary based on the emergency. It is unknown if another emergency requiring extended work hours will occur in the next five years, therefore, it is unknown if any additional cost will result from this authority. During Hurricane Ike, FLSA exempt-employees at the Animal Health Commission earned 987 hours of compensatory time and at the Texas Department of Criminal Justice 8,734 hours of compensatory time.

The bill requires approval from the agency head or designee before the payment is made. The bill would remove the six month waiting period required between one-time merit payments for state and higher education employees who are paid a one-time merit for performance during a disaster. The bill would authorize state employees to earn compensatory time for hours worked at home if they obtain approval in advance.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 554 Animal Health Commission, 696 Department of Criminal Justice, 529 Health and Human Services Commission, 212 Office of Court Administration, Texas Judicial Council, 781 Higher Education Coordinating Board

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