

By: Miller of Fort Bend

H.B. No. 2798

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the hours of work and compensatory time and overtime pay
3 for commissioned officers of the Department of Public Safety.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Section 411.016, Government Code,
6 is amended to read as follows:

7 Sec. 411.016. HOURS OF WORK; COMPENSATORY TIME; OVERTIME
8 ~~[SUPPLEMENTAL]~~ PAY.

9 SECTION 2. Section 411.016, Government Code, is amended by
10 amending Subsections (a), (b), (c), and (e) and adding Subsections
11 (b-1) and (f) to read as follows:

12 (a) This section applies to an officer commissioned by the
13 department who is not employed in a position that the director has
14 declared to be administrative, executive, or professional.

15 (b) If, during a 24-hour period ~~[calendar week]~~, the total
16 number of hours worked by a commissioned officer equal more than
17 eight ~~[40]~~ hours, the excess is overtime~~[- For each calendar month,~~
18 ~~the overtime for each week ending during that month shall be~~
19 ~~totalled. If the total overtime for the month exceeds eight hours,~~
20 ~~the officer may receive, in addition to the officer's regular~~
21 ~~monthly salary, a supplement determined as follows:-~~

22 ~~[(1) a commissioned officer who accumulates more than~~
23 ~~eight hours but less than 16 hours of overtime in a calendar month~~
24 ~~may receive five percent of the officer's regular monthly salary,~~

1 ~~[(2) a commissioned officer who accumulated 16 or more~~
2 ~~hours but less than 32 hours of overtime in a calendar month may~~
3 ~~receive 10 percent of the officer's regular monthly salary; and~~

4 ~~[(3) a commissioned officer who accumulated 32 or more~~
5 ~~hours of overtime in a calendar month may receive 15 percent of the~~
6 ~~officer's regular monthly salary].~~

7 (b-1) If, during a work week, the total number of hours
8 worked by a commissioned officer equals more than 40 hours, the
9 excess is overtime.

10 ~~(c) [The formula prescribed by Subsection (b) is the~~
11 ~~exclusive method of computing state compensation for overtime~~
12 ~~entitlements.]~~ This section applies only to the computation of
13 overtime entitlements and does not apply to the method of
14 compensating a commissioned officer for working on regularly
15 scheduled state holidays.

16 (e) The department may compensate an officer commissioned
17 by the department for the overtime earned by the officer by:

18 (1) allowing or requiring the officer to take
19 compensatory leave at the rate of 1-1/2 hours of leave for each hour
20 of overtime earned; or

21 (2) paying the officer for the overtime hours earned
22 at the rate equal to 1-1/2 times the officer's regular hourly pay
23 rate ~~[If the funds appropriated to the department to provide~~
24 ~~supplemental pay are insufficient to pay all earned overtime~~
25 ~~entitlements, the director may provide for compensatory time to be~~
26 ~~taken during the biennium in which the entitlements are earned].~~

27 (f) If a conflict exists between this section and Section

1 659.015, this section controls.

2 SECTION 3. This Act takes effect September 1, 2015.