

By: Hinojosa  
(Miller, et al.)

S.B. No. 297

A BILL TO BE ENTITLED

AN ACT

relating to the compensatory time and overtime pay for commissioned officers of the Department of Public Safety.

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

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

Sec. 411.016. COMPENSATORY TIME; OVERTIME ~~[SUPPLEMENTAL]~~ PAY.

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

(b) If, during a 24-hour period ~~[calendar week]~~, the total number of hours worked by a commissioned officer equals ~~[plus the number of hours of leave taken for which the officer is entitled to compensation, including approved sick leave, vacation, holiday, holiday compensatory time, emergency leave, administrative leave, and jury duty, equal]~~ more than eight ~~[40]~~ hours, the excess is overtime. ~~[For each calendar month, the overtime for each week ending during that month shall be totaled. If the total overtime for the month exceeds eight hours, the officer may receive, in addition to the officer's regular monthly salary, a supplement determined as follows:~~

~~[(1) a commissioned officer who accumulates more than eight hours but less than 16 hours of overtime in a calendar month~~

1 ~~may receive five percent of the officer's regular monthly salary,~~

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

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

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

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

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

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

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

1            (f) If a conflict exists between this section and Section  
2 659.015, this section controls.

3            SECTION 3. This Act takes effect September 1, 2017.