

- SUBJECT:** Maximum work hours and calculation of overtime for Dallas police
- COMMITTEE:** Urban Affairs — committee substitute recommended
- VOTE:** 7 ayes — Carter, Bailey, Burnam, Callegari, Ehrhardt, E. Jones, Najera
1 nay — Hill
1 absent — Edwards
- WITNESSES:** For — Thomas Glover, Texas Peace Officers Association, Dallas Chapter;
James Parnell and Glenn White, Dallas Police Association
Against — None
- BACKGROUND:** Local Government Code, sec. 142.0015 prohibits a police officer from being required to work more hours during a calendar week than the number of hours in the normal work week of the majority of the city’s employees other than fire fighters and police. The statute provides exemptions in the event of an emergency or if the majority of the police officers working for the city sign a written waiver of the prohibition. Police officers required to work overtime are entitled to overtime pay. Sec. 142.0017 specifies labor and vacation hours for police and firefighters in cities with a population of more than 1.5 million (currently only Houston).

Local Government Code, chapter 174 sets collective bargaining regulations for police and fire fighting employees of cities that have adopted the chapter. Of the Texas cities with a population of 1 million or more (Houston, Dallas, and San Antonio), only San Antonio has adopted the chapter.
- DIGEST:** CSHB 2273 would prohibit a city with a population of more than 1 million that is not subject to Local Government Code, sec. 142.0017 and that has not adopted chapter 174 from requiring a police officer to work more than 40 hours during a calendar week.

The bill also would specify that certain hours would have to be counted toward hours worked in determining whether an officer had worked overtime

in a particular week. This would include hours during which a police officer was required to remain available for immediate call to duty by continuously remaining in contact with a police department office by telephone or by radio, and hours taken for authorized leave, such as sick time, vacation, compensatory time, or leave due to a death in the family.

This bill would take effect September 1, 2001.

**SUPPORTERS
SAY:**

CSHB 2273 would codify current practices of the city of Dallas regarding maximum work hours and calculation of overtime hours for Dallas police employees. It would prohibit Dallas police officers from being required to work more than 40 hours in a calendar week, except in emergency situations or if a majority of police employees signed a waiver.

The bill would require authorized leave — including sick leave, vacation, compensatory time, or leave due to a death in the family — to be counted toward the calculation of the number of hours worked. Thus, an employee who worked 35 hours and took five hours of sick leave would be considered to have completed a 40-hour work week and could not be required to work additional hours. Authorized leave hours are designed to replace actual work hours and should be counted in this calculation. An employee who takes off five hours of sick leave in addition to working 40 hours in a week cannot properly be said to have taken off any time at all.

The bill also would specify that hours during which a police officer had to remain on call for immediate duty would count toward the calculation of hours worked, since the requirement of keeping in touch with the department circumscribes the employee's hours such that the employee cannot use that time effectively for personal pursuits.

The author intends to offer a floor amendment that would bracket to Dallas the application of the authorized method of calculating overtime hours.

**OPPONENTS
SAY:**

CSHB 2273 is unnecessary. The city of Dallas already follows the bill's provisions, and there is little likelihood that a new council would change these practices, as they are widely considered to be basic employee rights. However, the bill could limit the city's flexibility during a budget crisis, since the city would be prevented from altering its policies to meet any

severe, short-term needs. The state should not micromanage the overtime policies of a single city's police department, particularly when the department has not been experiencing any problems in that area.

NOTES:

The committee substitute added the provision requiring an officer's hours on call or on authorized leave to be counted toward hours worked in determining whether the officer had worked overtime in a particular week.

The companion bill, SB 973 by Cain, was considered in a public hearing by the Senate Intergovernmental Relations Committee on April 3 and left pending.