

SUBJECT: Granting DPS dispatchers compensatory time for work on weekend holidays

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 6 ayes — Driver, Garza, Hupp, Burnam, Hegar, Keel

0 nays

1 absent — Y. Davis

WITNESSES: For — Gary Patterson, Texas Department of Public Safety Officers Association

Against — None

On — Major Tim Thompson, Texas Department of Public Safety

BACKGROUND: Government Code, sec. 662.005 entitles state employees to receive a paid day off work for a state or national holiday that does not fall on a Saturday or Sunday. Sec. 662.007 entitles state employees to take compensatory time off during the 12 months after the holiday if the employee works on a state or national holiday that does not fall on a Saturday or Sunday.

The 77th Legislature in 2001 enacted SB 609 by Bernsen, entitling a Department of Public Safety (DPS) peace officer who must work on a state or national holiday that falls on a Saturday or Sunday to take compensatory time off at the rate of one hour per hour worked.

DIGEST: HB 769 would authorize a DPS traffic-law communications or dispatch service employee who must work on a state or national holiday that falls on a Saturday or Sunday to take compensatory time off at the rate of one hour per hour worked.

The bill would take effect September 1, 2003.

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- SUPPORTERS SAY:** DPS traffic-law communications and dispatch service employees, like DPS troopers, must work Saturdays and Sundays. Current law allows a trooper who must work on a weekend holiday, such as Christmas, to take another day off to spend with his or her family. DPS dispatchers are not entitled to this compensatory time, but they should receive the same treatment as troopers. HB 769 would extend only compensatory time to these other DPS employees, not paid overtime. The bill's fiscal note indicates no significant fiscal impact on the state from this change.
- OPPONENTS SAY:** Four national holidays and seven state holidays could fall on weekends. Every compensatory day that a dispatcher took for working on one of those days would cost the state money.
- NOTES:** SB 255 by Averitt, the identical companion bill, passed the Senate by 31-0 on the Local and Uncontested Calendar on April 10 and has been referred to the House Law Enforcement Committee.