

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1576
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, overtime for commissioned officers of the Department of Public Safety of the State of Texas (DPS) is calculated on a weekly rather than daily basis. Officers must work in excess of 40 hours in a week to earn overtime, and authorized leave is not counted toward hours used to calculate overtime pay.

C.S.S.B. 1576 amends Section 411.016, Government Code, to allow DPS to calculate overtime for commissioned officers based on working in excess of eight hours in a 24-hour period. C.S.S.B. 1576 would benefit officers because it would allow them to take sick leave or other types of leave without risking the loss of earned overtime. As officers move to a standard 50-hour work week (as proposed in S.B. 2) they will develop a reasonable expectation of paid overtime based on the standard schedule.

C.S.S.B. 1576 amends current law relating to the compensatory time and overtime pay for commissioned officers of the Department of Public Safety.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 411.016, Government Code, to read as follows:

Sec. 411.016. COMPENSATORY TIME; OVERTIME PAY.

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

(b) Provides that if, during a 24-hour period, the total number of hours worked by a commissioned officer equals more than eight hours, the excess is overtime. Deletes existing text providing that if, during a calendar week, the total number of hours worked by a commissioned officer 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 40 hours, the excess is overtime. Deletes existing text requiring that the overtime for each week ending during that month, for each calendar month, be totaled. Deletes existing text authorizing the officer, if the total overtime for the month exceeds eight hours, to receive, in addition to the officer's regular monthly salary, a supplement determined by a formula set forth.

(b-1) Provides that if, during the work week, the total number of hours worked by a commissioned officer equals more than 40 hours, the excess is overtime.

(c) Provides that this section applies only to the computation of overtime entitlements and does not apply to the method of compensating a commissioned officer for working on regularly scheduled state holidays. Deletes existing text providing that the formula

prescribed by Subsection (b) is the exclusive method of computing state compensation for overtime entitlements.

(e) Authorizes the Department of Public Safety of the State of Texas (DPS) to compensate an officer commissioned by DPS for the overtime earned by the officer by:

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

(2) paying the officer for the overtime hours earned at the rate equal to 1-1/2 times the officer's regular hourly pay rate.

Deletes existing text authoring the director, if the funds appropriated to DPS to provide supplemental pay are insufficient to pay all earned overtime entitlements, to provide for compensatory time to be taken during the biennium in which the entitlements are earned.

(f) Provides that, if a conflict exists between this section and Section 659.015 (Overtime Compensation for Employees Subject to Fair Labor Standards Act), this section controls.

SECTION 3. Effective date: September 1, 2015.