

BILL ANALYSIS

H.B. 4339
By: Bohac
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The federal Fair Labor Standards Act of 1938, which comprehensively regulates work periods, maximum hours, overtime, and compensatory time, has special scheduling rules for peace officers. It has been noted that state law prohibits a county with a population of more than one million from requiring its peace officers to work more hours during a calendar week than the number of hours in the normal work week of the majority of other county employees. It has been suggested that this prohibition interferes with the ability of sheriffs in larger counties to recruit and retain deputy sheriffs because an increasing number of these deputies prefer to work 12-hour shifts. H.B. 4339 seeks to provide necessary scheduling flexibility for peace officers in these counties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4339 amends the Local Government Code to establish that provisions regulating the hours of work of county employees do not limit the authority of a county commissioners court to adopt or enforce a work period of up to 28 days for peace officers employed by the county in accordance with the federal Fair Labor Standards Act of 1938. The bill establishes that provisions regulating the work hours of peace officers in counties of more than one million do not apply to a peace officer commissioned by an applicable county that has adopted a work period of longer than seven days for those peace officers in accordance with that act.

EFFECTIVE DATE

September 1, 2019.