

BILL ANALYSIS

Senate Research Center

C.S.S.B. 755

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State Affairs

4-3-97

Committee Report (Substituted)

DIGEST

Currently, Texas does not place any limit on how much overtime an employer can ask an employee to work. Thus, an employee may risk being fired if the employee does not want to work overtime. This bill imposes a limit of 60 hours on the number of hours an employee can be required to work per workweek. In addition, this bill would allow employees to work as much overtime as they wish, but requires the employers to obtain a written statement from the employee stating that the employee volunteers to perform the work. C.S.S.B. 755 would require this statement to also contain a provision, signed by the employer, stating that the employer does not require the employee to work the excess hours.

PURPOSE

As proposed, C.S.S.B. 755 prohibits an employer from requiring, as a condition of employment, an employee to work more than 60 hours in a workweek. In addition, this bill allows an employer to employ an employee for more than 60 hours if the employee agrees in a written statement to work the excess hours.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 2B, Labor Code, by adding Chapter 53, as follows:

CHAPTER 53. LIMIT ON REQUIRED OVERTIME

Sec. 53.001. DEFINITIONS. Defines "employee" and "employer."

Sec. 53.002. LIMIT ON REQUIRED OVERTIME. Prohibits an employer from requiring, as a condition of employment, an employee to work more than 60 hours in a workweek. Authorizes an employer to only employ an employee for more than 60 hours in a workweek if the employee agrees to work the excess hours as provided by Subsection (c). Authorizes an employee to agree with the employee's employer to work hours that exceed 60 hours in a workweek by signing a written statement that the employee volunteers to perform the work. Requires the statement to also contain a provision, signed by the employer or the employer's agent, that the employer does not require the employee to work the excess hours.

Sec. 53.003. EXCEPTIONS. Provides that this chapter does not apply to certain employees.

Sec. 53.004. OFFENSE; PENALTY. Provides that an employer commits a Class C misdemeanor if the employer requires an employee to work more than 60 hours in a workweek in violation of this chapter.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends proposed Section 53.001, Labor Code, to redefine "employee" and "employer."

Redesignates proposed Section 53.003, Labor Code as Section 53.004, Labor Code. Sets forth new Section 53.003 regarding exceptions.