

BILL ANALYSIS

Senate Research Center

S.B. 1474
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Transportation & Homeland Security
8/03/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law state emergency services personnel exempt from the Fair Labor Standards Act only have one year to use accrued compensatory time. Additionally, agency heads are not allowed to pay overtime to emergency services personnel. Due to the frequency and degree of recent natural disasters and emergencies in Texas, many emergency services personnel have not been able to use their accrued compensatory time before the mandatory expiration date.

S.B. 1474 authorizes certain state emergency services personnel to use accrued compensatory time within 18 months. This bill also authorizes an agency head to pay an employee overtime at the employee's regular salary rate. S.B. 1474 only applies to state employees who are firefighters, police officers and other peace officers, emergency medical technicians, emergency management personnel, and other individuals who are required, in the course and scope of their employment, to provide services for the benefit of the general public during emergency situations.

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 Subchapter B, Chapter 659, Government Code, by adding Section 659.025, as follows:

Sec. 659.025. USE OF COMPENSATORY TIME BY CERTAIN EMERGENCY SERVICES PERSONNEL; OPTIONAL OVERTIME PAYMENT. (a) Defines "emergency services personnel."

(b) Provides that this section applies only to a state employee who is emergency services personnel, who is not subject to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and who is not an employee of the legislature, including an employee of the lieutenant governor or of a legislative agency.

(c) Authorizes an employee to whom this section applies, notwithstanding Section 659.016 (Overtime Compensation for Employees Not Subject to Fair Labor Standards Act; Reductions in Pay), Government Code, or any other law, to be allowed to take compensatory time off during the 18-month period following the end of the workweek in which the compensatory time was accrued.

(d) Authorizes the administrative head of a state agency that employs an employee to whom this section applies, notwithstanding Section 659.016, or any other law, to pay the employee overtime at the employee's regular hourly salary rate for all or part of the hours of compensatory time off accrued by the employee during a declared disaster in the preceding 18-month period. Requires the administrative head to reduce the employee's compensatory time balance by one hour for each hour the employee is paid overtime under this section.

SECTION 2. Effective date: September 1, 2009.