

BILL ANALYSIS

Senate Research Center

S.B. 297
By: Hinojosa
Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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

S.B. 297 amends Section 411.016, Government Code, to allow DPS to calculate overtime for commissioned officers based upon working in excess of eight hours in a 24-hour period. S.B. 297 benefits officers because it allows them to take sick leave or other types of leave without risking the loss of earned overtime.

S.B. 297 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 a certain number of hours of leave taken for which the officer is entitled to compensation, equal more than 40 hours, the excess is overtime. Deletes existing text requiring that the overtime for each week ending during each calendar month be totaled, for each calendar month, and authorizing the officer, if the total overtime for the month exceeds eight hours, to receive a certain determined supplement in addition to the officer's regular monthly salary.

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

(c) 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 Texas Department of Public Safety (DPS) to compensate an officer commissioned by DPS for the overtime earned by the officer by 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 by 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 authorizing the public safety director, if certain funds 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, 2017.