

BILL ANALYSIS

S.B. 297
By: Hinojosa
Appropriations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties suggest that authorizing the Department of Public Safety (DPS) to compensate certain commissioned DPS officers with compensatory leave for overtime, rather than payment according to a certain formula, could reduce payroll costs. S.B. 297 seeks to provide that authority.

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

S.B. 297 amends the Government Code to set out provisions establishing what constitutes overtime for certain commissioned officers of the Department of Public Safety (DPS) based on a 24-hour period and a work week. The bill removes statutory provisions relating to a formula for computing state compensation for overtime entitlements.

S.B. 297 authorizes DPS to compensate a commissioned officer for overtime earned 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. The bill removes the provision authorizing compensatory time to be taken during the biennium in which the entitlements are earned if the funds appropriated to DPS to provide supplemental pay are insufficient to pay earned overtime entitlements.

S.B. 297 establishes that statutory provisions relating to hours of work, compensatory time, and overtime pay for certain DPS commissioned officers, as amended by the bill, control in a conflict between those provisions and statutory provisions relating to overtime compensation for state employees subject to the federal Fair Labor Standards Act of 1938.

EFFECTIVE DATE

September 1, 2017.