

SUBJECT: Prohibiting certain state agency officials from accruing compensatory time

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 6 ayes — Marchant, Madden, J. Davis, B. Cook, Elkins, Gattis
0 nays
1 present not voting — Lewis
2 absent — Goodman, Villarreal

SENATE VOTE: On final passage, March 19 — voice vote

WITNESSES: None

BACKGROUND: Government Code, ch. 659, subch. B governs salary, overtime, and compensatory time for state officers and employees. Ch. 661 governs leave time. Some subchapters include elected or appointed officers of a state agency in the definition of state employees covered by their provisions, while other subchapters exclude those officials. Ch. 662 governs holidays and includes appointed officers.

DIGEST: SB 89 would prohibit a member of a governing body or a single state officer who governs a state agency from accruing compensatory time. The prohibition would not apply to executive directors or other administrative heads of state agencies. The bill would take effect September 1, 2003.

SUPPORTERS SAY: SB 89 would clarify existing statutes in the Government Code to establish that elected and appointed agency heads, such as the governor, secretary of state, or agriculture commission, may not accrue compensatory time. A person who runs for or accepts a job as head of a state agency understands that a typical work week will be more than 40 hours on an irregular schedule. Governing officials are paid higher salaries than their administrative counterparts partly for this reason, and often they informally take personal time without being questioned. Compensatory time is appropriate for hourly and some salaried

employees but is inappropriate for governing executives, whether in the public or private sector.

Agency governing officials set their own work schedules and usually sign their own timesheets. It would be improper, or at least would create the appearance of impropriety, for them to authorize their own compensatory time. Such a system could lend itself to abuse, since the official would be directly accountable to no one for truthfully reporting compensatory time.

Some agencies' governing officials now accrue compensatory time, though they may not be able to use it because of their extensive responsibilities, while officials at other agencies do not accrue compensatory time. SB 89 would establish a single standard for elected and appointed officials across all agencies and would remove the inconsistencies from current law and practice. The bill would not affect executive directors, who appropriately should be treated like other state employees.

OPPONENTS
SAY:

No apparent opposition.