

BILL ANALYSIS

Senate Research Center

S.B. 2298
By: Watson
Government Organization
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2008, the citizens of Texas were directly affected by several disasters. After each disaster, state employees demonstrated their compassion and willingness to assist fellow Texans by offering to engage in disaster efforts throughout the state. However, most of those employees were not entitled to compensation for that additional work. State employees are also not allowed to receive compensatory time for work performed at their homes, which discourages telecommuting.

Employees subject to the Fair Labor Standards Act (FLSA) may receive monetary compensation for working extra hours in response to disaster situations if an agency authorizes payment of overtime hours worked. FLSA-exempt employees may only receive compensatory time. For teleworkers, the employee's personal residence is designated as the employee's regular place of business as permitted by state law. However, Section 659.018 (Compensatory Time: Place Where Work is Performed), Government Code, prohibits employees from accumulating compensatory time for work performed at their personal residence.

S.B. 2298 relates to compensation of certain state employees.

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 Section 51.962, Education Code, by adding Subsection (f), as follows:

(f) Provides that this subsection applies to an employee employed by the institution of higher education for more than six months. Provides that the requirement that six months elapse between merit salary increases prescribed by Subsection (e) (relating to eligibility for a merit salary increase) does not apply to a one-time merit payment if the chief administrative officer of the institution of higher education determines in writing that the one-time merit payment is made in relation to the employee's performance during a natural disaster or other extraordinary circumstance.

SECTION 2. Amends the heading to Section 659.0125, Government Code, to read as follows:

Sec. 659.0125. SALARY FOR DISTRICT JUDGE OR RETIRED JUDGE PRESIDING OVER MULTIDISTRICT LITIGATION.

SECTION 3. Amends Section 659.0125, Government Code, by adding Subsection (c), to entitle a retired judge appointed to an MDL pretrial court, as defined by Section 90.001 (Definitions), Civil Practice and Remedies Code, to receive the same compensation and benefits to which a district judge is entitled.

SECTION 4. Amends Section 659.015, Government Code, by amending Subsection (g) and adding Subsections (i) and (j), as follows:

(g) Prohibits an employee from being paid for certain compensatory time to which the employee is entitled under Subsection (f), except as provided by this subsection and Subsections (i) and (j). Makes a nonsubstantive change.

(i) Authorizes an employee, with authorization from the administrative head of the agency for which an employee works, or that person's designee, to be paid for the hours of compensatory time the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

(j) Authorizes an employee employed by a state mental health or mental retardation facility, with authorization from the administrative head of the agency for which the employee works, or that person's designee, to be paid for any unused compensatory time if the employing agency determines that taking the compensatory time off would disrupt the normal business functions of the agency.

SECTION 5. Amends Section 659.016, Government Code, by amending Subsection (i) and adding Subsection (j), as follows:

(i) Prohibits an employee covered by this section, except as provided by this subsection and Subsection (j), from being paid for any unused compensatory time. Authorizes an employee, with authorization from the administrative head of the agency for which a state employee works, or that person's designee, to be paid for the hours of compensatory time the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

(j) Authorizes an employee employed by a state mental health or mental retardation facility, with authorization from the administrative head of the agency for which an employee works, or that person's designee, to be paid for any unused compensatory time if the employing agency determines that taking the compensatory time off would disrupt the normal business functions of the agency.

SECTION 6. Amends Section 659.018, Government Code, as follows:

Sec. 659.018. COMPENSATORY TIME: PLACE WHERE WORK PERFORMED. (a) Creates this subsection from existing text. Creates an exception under Subsection (b).

(b) Authorizes an employee to accumulate compensatory time off for hours worked during any calendar week at the employee's personal residence if the employee obtains the advance approval of the administrative head of the agency for which the employee works or that person's designee. Deletes existing text prohibiting the employee's personal residence from being considered the employee's regular or temporarily assigned place of employment.

SECTION 7. Amends Section 659.255, Government Code, by adding Subsection (g), to provide that the six-month limitations prescribed by Subsections (f)(2) (relating to the effective date of the payment being six months after the effective date of the employee's last promotion or merit salary increase) and (5) (relating to the effective date of the payment being six months after the effective date of certain agency payments) do not apply if the administrative head of the agency determines in writing that the merit payment is made in relation to the employee's performance during a natural disaster or other extraordinary circumstance.

SECTION 8. Effective date: upon passage or September 1, 2009.