

## CHAPTER 725

## H.B. No. 1481

An Act relating to the number of hours and days in the work week or work cycle of certain fire fighters.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 6, Chapter 38, Acts of the 49th Legislature, Regular Session, 1945 (Article 1269p, Vernon's Texas Civil Statutes), is amended to read as follows:

**Sec. 6. CITIES OVER 10,000; HOURS OF LABOR.** (a) It shall be unlawful for any city having more than ten thousand (10,000) inhabitants but not more than sixty thousand (60,000) inhabitants, according to the last preceding Federal Census, to require or permit any *fire fighter* [~~fireman~~] to work more than seventy-two (72) hours during any one calendar week. It shall be unlawful for any city having more than sixty thousand (60,000) inhabitants but not more than one hundred twenty-five thousand (125,000) inhabitants, according to the last preceding Federal Census, to require or permit any *fire fighter* [~~fireman~~] to work more than an average, during a calendar year, of sixty-three (63) hours per week. It shall be unlawful for any city having more than one hundred twenty-five thousand (125,000) inhabitants, according to the last preceding Federal Census, to require or permit any *fire fighter* [~~fireman~~] to work more than an average, during a calendar year, of sixty (60) hours per week.

(b) Provided further, that in any city having more than ten thousand (10,000) inhabitants, according to the last preceding Federal Census, the number of hours in the work *cycle* [~~week~~] of members of the fire department whose duties do not include fighting fires, including but not limited to mechanics, clerks, investigators, inspectors, fire marshals, fire alarm dispatchers and maintenance men, shall not, *except in an emergency, average more hours in a week than* [~~exceed~~] the number of hours in the normal work week of the majority of the employees of said city other than *fire fighters and police officers*. *The number of days on duty in a work week or the average number of days on duty per week in a work cycle of an employee subject to this subsection may not exceed the number of days on duty during the work week of the majority of the employees of the city other than fire fighters and police officers. In this section, "work cycle" means that period of time in a posted work schedule starting at the time the cycle begins and ending at the time the cycle begins to repeat itself. The cycle may span any number of weeks or days or a portion of a week or day* [~~firemen and policemen~~].

(c) Provided further, that in computing the hours in the work week or the average number of hours in a work week in a work cycle of a fire fighter or other member of the fire department [~~of~~

~~firemen~~ subject to the provisions of *this section* ~~[the preceding paragraph]~~, there shall be included and counted any and all hours during which such *fire fighter or other member of the fire department* is ~~[firemen are]~~ required to remain available for immediate call to duty by continuously remaining in contact with a fire department office by telephone or by radio.

*(d) A fire fighter or other member of the fire department who is required in an emergency to work more hours in a work week or work cycle than authorized by Subsection (a) or (b) of this section is entitled to be paid overtime for the excess hours worked in accordance with Subsection (e) of this section without regard to the number of hours worked in any one week of the work cycle.*

*(e) A fire fighter or other member of the fire department [Provided, however, that in any such city having more than ten thousand (10,000) inhabitants, in the event of an emergency, firemen] may be required to work more than the maximum number of hours herein provided; and in such event the fire fighter or other member of the fire department [firemen] working more than the maximum hours herein provided shall be compensated for such overtime at a rate equal to one and one-half times the compensation paid to the fire fighter or other member of the fire department [such firemen] for regular hours.*

**SECTION 2.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 17, 1985, by the following vote: Yeas 133, Nays 1, 1 present, not voting; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 14, 1985

Effective: Immediately