

CHAPTER 366

H.B. No. 903

An Act relating to the creation of a voluntary program for the reduction of hours and wages of certain state employees.

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

SECTION 1. Chapter 394, Acts of the 53rd Legislature, Regular Session, 1953 (Article 5165a, Vernon's Texas Civil Statutes), is amended by amending Sections 1 and 2 and by adding Sections 2A, 2B, and 2C to read as follows:

Sec. 1. *In this Act:*

(1) "State agency" means:

(A) a board, commission, department, institution, office, or other agency in the executive branch of state government that is created by the constitution or by a statute of this state; or

(B) the Supreme Court of Texas, the Texas Court of Criminal Appeals, a court of appeals, or other agency in the judicial branch of government.

(2) "Full-time state employee" means a person employed by a state agency who, if not participating in the program established by this Act, is required to work for the agency for a minimum of forty (40) hours a week.

Sec. 2. *Except as provided by Section 2A of this Act, each state employee [All state employees who are employed in the offices of state departments or institutions or agencies, and who are] paid on a full-time salary basis, shall work forty (40) hours a week. Provided, however, that the administrative heads of agencies whose functions are such that certain services must be maintained on a twenty-four (24) hours per day basis are authorized to require that essential employees engaged in performing such services be on duty for a longer work-week in necessary or emergency situations. Provided further that the provisions of this Act do not apply to houseparents who are employed by and who live at the facilities of the Texas Youth Commission.*

Sec. 2A. *In order to increase state efficiency while reducing the cost of state government, a state agency may create a work reduction program under which a full-time state employee of the agency agrees to accept reduced wages and benefits for a proportionate reduction in work hours. Employee participation in such a work reduction program shall be voluntary. An employee who wishes to participate in the work reduction program must sign a written agreement to participate in the program for at least six (6) calendar months. An employee who works on a temporary or exempt basis is not eligible to participate in the program.*

Sec. 2B. *Each administrative head will post notice of the availability of the voluntary program in common areas. No administrative head shall at any time discuss, initiate discussion of, or orally inform an employee or employees of the program without first being approached by the employee or employees concerning the availability of such program.*

Sec. 2C. ~~[Sec. 2:]~~ *Except as otherwise provided in Section 2 [1] of this Act, and except on legal holidays authorized by law, the normal office hours of state departments, institutions and agencies shall be from 8:00 a.m. to 5:00 p.m., Mondays through Fridays, and these shall be the regular hours of work for all full-time employees who are not participants in the voluntary work reduction program under Section 2A of this Act. Normal[; provided, however, that such normal] working hours for employees of state departments and agencies in the Capitol Area in Austin may be staggered in such manner as biennial Appropriations Acts of the Legislature may stipulate or authorize in the interests of traffic regulation and public safety. Where an executive head deems it necessary or advisable, offices may also be kept open during other hours and on other days, and the time worked on such other days shall count toward the forty (40) hours per week which are required under Section 2 [1] of this Act. It is further provided that exceptions to the minimum length of the work week may be made by the executive head of a state agency to take care of any emergency or public necessity that he may find to exist. None of the provisions of this section [Act] shall apply to persons employed on an hourly basis.*

SECTION 2. This Act takes effect September 1, 1985.

SECTION 3. 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.

CH 366

69th LEGIS—REGULAR SESSION

Passed by the House on May 21, 1985, by a non-record vote; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 10, 1985

Effective: September 1, 1985