

CHAPTER 756

H.B. No. 1103

AN ACT

relating to the hours of labor and vacation of members of fire departments in certain municipalities.

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

SECTION 1. Sections 142.0015(b), (c), and (e), Local Government Code, are amended to read as follows:

(b) A fire fighter or a member of a fire department who provides emergency medical services *who is not exempt under the Fair Labor Standards Act of 1938, 29 U.S.C. Section 201 et seq., and who is* ~~[may not, except as required by Subsection (e), be]~~ required or permitted to work more than the number of hours that bears the same ratio to 212 hours as the number of days in the work period bears to 28 days *is considered to have worked overtime. The* ~~[If the fire fighter or other member of the fire department is required to work more than the hours permitted under this subsection, the]~~ person is entitled to be compensated for the overtime as provided by Subsection (e).

(c) A member of a fire department who does not fight fires or provide emergency medical services, including a mechanic, clerk, investigator, inspector, fire marshal, fire alarm dispatcher, and maintenance worker, *who is not exempt under the Fair Labor Standards Act of 1938, 29 U.S.C. Section 201 et seq., and who is required or permitted to* ~~[may not, except as provided by Subsection (e):~~

~~[(1)] average more hours in a week than the number of hours in a normal work week of the majority of the employees of the municipality other than fire fighters, emergency medical service personnel, and police officers, is considered to have worked overtime. The person is entitled to be compensated for the overtime as provided by Subsection (e);~~—or

~~[(2) be on duty for more days in a work week or average more days on duty a week in a work cycle than the number of days on duty during the work week of the majority of the employees of the municipality other than fire fighters, emergency medical service personnel, and police officers].~~

(e) *A fire fighter or other member of a fire department may be required or permitted to work overtime. A fire fighter or other member of a fire department who is not exempt under the Fair Labor Standards Act of 1938, 29 U.S.C. Section 201 et seq., and who is* ~~[may be]~~ required or permitted ~~[in an emergency]~~ to work overtime as provided ~~[more hours in a work week or work cycle than permitted]~~ by Subsections (b) and (c) ~~[—The fire fighter or other member of a fire department who is not exempt]~~ is entitled to be paid overtime for the excess hours worked without regard to the number of hours worked in any one week of the work cycle. Overtime hours are paid at a rate equal to 1½ times the compensation paid to the fire fighter or member of the fire department for regular hours.

SECTION 2. The changes in law made by this Act apply only to hours worked during a work cycle that begins on or after the effective date of this Act. Hours worked during a work

cycle that begins before the effective date are covered by the law in effect when the work cycle begins, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. 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.

Passed by the House on May 11, 1993, by a non-record vote; passed by the Senate on May 29, 1993: Yeas 31, Nays 0.

Approved June 17, 1993.

Effective Sept. 1, 1993.