

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 25, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB297 by Hinojosa (Relating to the compensatory time and overtime pay for commissioned officers of the Department of Public Safety.), **As Introduced**

The bill would provide the Department of Public Safety with the option of compensating its commissioned law enforcement officers for overtime worked with compensatory leave, rather than payment. It is assumed that compensating officers with compensatory leave rather than payment would spare payroll costs. While it is unknown how often DPS would opt to exercise this new option, presumably the bill would have a positive, if undetermined, fiscal impact.

The bill would amend the Government Code regarding compensatory time and overtime pay for certain commissioned law enforcement officers employed by the Department of Public Safety (DPS).

Federal law specifies the conditions and limitations by which an employer may provide compensatory leave in lieu of payment as compensation for overtime worked by employees who are not exempted from the Fair Labor Standards Act. Within these limitations, it is not known how frequently DPS would opt to provide compensation for overtime worked in the form of compensatory leave. It is assumed that compensating officers with compensatory leave rather than payment would result in a reduction to the agency's payroll costs. Therefore, it is presumed DPS would realize payroll savings to the degree the agency opts to provide compensatory leave instead of payment for overtime worked.

The bill would take effect September 1, 2107.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 327 Employees Retirement System, 405 Department of Public Safety, 304 Comptroller of Public Accounts

LBB Staff: UP, JAW, KFa, KK, AI, KJo