

1 AN ACT

2 relating to hours of labor in certain fire departments.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

6 (b) A fire fighter or a member of a fire department who
7 provides emergency medical services, other than the fire chief or
8 the assistant chief or an equivalent classification [~~who is not~~
9 ~~exempt under the Fair Labor Standards Act of 1938, 29 U.S.C. Section~~
10 ~~201 et seq.~~], and who is required or permitted to work more than the
11 number of hours that bears the same ratio to 212 hours as the number
12 of days in the work period bears to 28 days is considered to have
13 worked overtime. The person is entitled to be compensated for the
14 overtime as provided by Subsection (e).

15 (c) A member of a fire department who does not fight fires or
16 provide emergency medical services, including a mechanic, clerk,
17 investigator, inspector, fire marshal, fire alarm dispatcher, and
18 maintenance worker, other than the fire chief or the assistant
19 chief or an equivalent classification [~~who is not exempt under the~~
20 ~~Fair Labor Standards Act of 1938, 29 U.S.C. section 201 et seq.~~],
21 and who is required or permitted to average more hours in a week
22 than the number of hours in a normal work week of the majority of the
23 employees of the municipality other than fire fighters, emergency
24 medical service personnel, and police officers, is considered to

1 have worked overtime. The person is entitled to be compensated for
2 the overtime as provided by Subsection (e).

3 (d) In computing the hours worked in a work week or the
4 average number of hours worked in a work week during a work cycle of
5 a fire fighter or other member of a fire department covered by this
6 section [~~and 29 U.S.C. Section 207(k) and as provided by~~
7 ~~Subsections (b) and (c)~~], all hours are counted during which the
8 fire fighter or other member of a fire department is required to
9 remain on call on the employer's premises or so close to the
10 employer's premises that the person cannot use those hours
11 effectively for that person's own purposes. Hours in which the fire
12 fighter or other member of a fire department is required only to
13 leave a telephone number at which that person may be reached or [~~is~~
14 ~~required~~] to remain accessible by radio or pager are not counted.
15 In computing the hours in a work week or the average number of hours
16 in a work week during a work cycle of a fire fighter or a member of a
17 fire department who provides emergency medical services, vacation,
18 sick time, holidays, time in lieu of holidays, or compensatory time
19 may be excluded as hours worked.

20 (e) A fire fighter or other member of a fire department may
21 be required or permitted to work overtime. A fire fighter or other
22 member of a fire department, other than the fire chief or the
23 assistant chief or an equivalent classification, [~~who is not exempt~~
24 ~~under the Fair Labor Standards Act of 1938, 29 U.S.C. Section 201 et~~
25 ~~seq., and~~] who is required or permitted to work overtime as provided
26 by Subsections (b) and (c) is entitled to be paid overtime for the
27 excess hours worked without regard to the number of hours worked in

1 any one week of the work cycle. Overtime hours are paid at a rate
2 equal to 1-1/2 times the compensation paid to the fire fighter or
3 member of the fire department for regular hours.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.

David Newkumst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1562 was passed by the House on March 22, 2007, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

Robert Nancy
Chief Clerk of the House

I certify that H.B. No. 1562 was passed by the Senate on May 1, 2007, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

APPROVED: 14 MAY '07

Date

Rick Peery
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:00 AM O'CLOCK

MAY 14 2007

Roger Whinnis