

Case
No.

Chapter 1241

AN ACT

1
2 relating to compensation of certain state employees.

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

4 SECTION 1. Section 51.962, Education Code, is amended by
5 adding Subsection (f) to read as follows:

6 (f) This subsection applies to an employee employed by the
7 institution of higher education for more than six months. The
8 requirement that six months elapse between merit salary increases
9 prescribed by Subsection (e) does not apply to a one-time merit
10 payment if the chief administrative officer of the institution of
11 higher education determines in writing that the one-time merit
12 payment is made in relation to the employee's performance during a
13 natural disaster or other extraordinary circumstance.

14 SECTION 2. The heading to Section 659.0125, Government
15 Code, is amended to read as follows:

16 Sec. 659.0125. SALARY FOR DISTRICT JUDGE OR RETIRED JUDGE
17 PRESIDING OVER MULTIDISTRICT LITIGATION.

18 SECTION 3. Section 659.0125, Government Code, is amended by
19 adding Subsection (c) to read as follows:

20 (c) A retired judge appointed to an MDL pretrial court, as
21 defined by Section 90.001, Civil Practice and Remedies Code, is
22 entitled to receive the same compensation and benefits to which a
23 district judge is entitled.

24 SECTION 4. Section 659.015, Government Code, is amended by

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1 amending Subsection (g) and adding Subsections (i) and (j) to read
2 as follows:

3 (g) Compensatory time off to which an employee is entitled
4 under Subsection (f) must be taken during the 12-month period
5 following the end of the workweek in which the compensatory time was
6 accrued or it lapses. An employee may not be paid for that
7 compensatory time, except as provided by this subsection and
8 Subsections (i) and (j). An [~~However, an~~] employee of an
9 institution of higher education as defined by Section 61.003,
10 Education Code, or an employee engaged in a public safety activity,
11 including highway construction and maintenance or an emergency
12 response activity, may be paid at the employee's regular rate of pay
13 for that compensatory time if the employer determines that taking
14 the compensatory time off would disrupt normal teaching, research,
15 or other critical functions.

16 (i) With authorization from the administrative head of the
17 agency for which an employee works, or that person's designee, an
18 employee may be paid for the hours of compensatory time the employee
19 earns for work directly related to a disaster or emergency declared
20 by the appropriate officer of the state or federal government.

21 (j) With authorization from the administrative head of the
22 agency for which an employee works, or that person's designee, an
23 employee employed by a state mental health or mental retardation
24 facility may be paid for any unused compensatory time if the
25 employing agency determines that taking the compensatory time off
26 would disrupt the normal business functions of the agency.

27 SECTION 5. Section 659.016, Government Code, is amended by

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1 amending Subsection (i) and adding Subsection (j) to read as
2 follows:

3 (i) Except as provided by this subsection and Subsection
4 (j), an [An] employee covered by this section may not be paid for
5 any unused compensatory time. With authorization from the
6 administrative head of the agency for which a state employee works,
7 or that person's designee, an employee may be paid for the hours of
8 compensatory time the employee earns for work directly related to a
9 disaster or emergency declared by the appropriate officer of the
10 state or federal government.

11 (j) With authorization from the administrative head of the
12 agency for which an employee works, or that person's designee, an
13 employee employed by a state mental health or mental retardation
14 facility may be paid for any unused compensatory time if the
15 employing agency determines that taking the compensatory time off
16 would disrupt the normal business functions of the agency.

17 SECTION 6. Section 659.018, Government Code, is amended to
18 read as follows:

19 Sec. 659.018. COMPENSATORY TIME: PLACE WHERE WORK
20 PERFORMED. (a) Except under circumstances specified in the
21 General Appropriations Act or as provided by Subsection (b), an
22 employee of a state agency as defined by Section 658.001 may not,
23 for hours worked during any calendar week, accumulate compensatory
24 time off under Section 659.015(f) or 659.016 to the extent that the
25 hours are attributable to work performed at a location other than
26 the employee's regular or temporarily assigned place of employment.

27 (b) An employee may accumulate compensatory time off for

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1 hours worked during any calendar week at the [The] employee's
2 personal residence if the employee obtains the advance approval of
3 the administrative head of the agency for which the employee works
4 or that person's designee [~~may not be considered the employee's~~
5 ~~regular or temporarily assigned place of employment~~].

6 SECTION 7. Section 659.255, Government Code, is amended by
7 adding Subsection (g) to read as follows:

8 (g) The six-month limitations prescribed by Subsections
9 (f)(2) and (5) do not apply if the administrative head of the agency
10 determines in writing that the merit payment is made in relation to
11 the employee's performance during a natural disaster or other
12 extraordinary circumstance.

13 SECTION 8. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.

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David Bushurst
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 2298 passed the Senate on April 28, 2009, by the following vote: Yeas 31, Nays 0; May 15, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 20, 2009, House granted request of the Senate; May 30, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Joseph Shaw
Secretary of the Senate

I hereby certify that S.B. No. 2298 passed the House, with amendments, on May 12, 2009, by the following vote: Yeas 145, Nays 0, two present not voting; May 20, 2009, House granted request of the Senate for appointment of Conference Committee; May 27, 2009, House adopted Conference Committee Report by the following vote: Yeas 141, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:
19 JUN '09
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK
JUN 19 2009

Colby Shuter III