

2009 DFR DEPARTMENTAL MEMORANDUM #90



DALLAS FIRE-RESCUE

DATE: November 6, 2009
TO: All Dallas Fire-Rescue Members
SUBJECT: Payroll Check Distribution for House Bill 1146

On Tuesday, November 3, 2009, payroll checks were issued to fire operations for the overtime adjustment in accordance with Texas State House Bill 1146 that was passed by the state legislature and signed by the Governor on June, 19, 2009, effective immediately. There were delays in implementing because of legal review and interpretation of the bill, the complex and time consuming program changes, and testing of the payroll system required.

The check issued was for the period June 24, 2009 through October 13, 2009. This time frame represents four full 28-day cycles upon which the premium pay is calculated. Payment for the period June 19, 2009 through June 23, 2009 will be paid at a later date.

24-hour fire uniform overtime is based on a 28-day cycle. Per federal law, any hours worked over 212 hours in a 28-day cycle (two pay periods) must be paid at the 1.5 rate. Texas State HB 1146 impacted the foregoing law by expanding the hours worked to mean "any authorized leave, including attendance incentive leave, vacation leave, holiday leave, compensatory time off, jury duty, military leave, or leave because of a death in the family". Essentially, HB 1146 includes everything in the overtime calculation except sick leave, Kelly days, suspension, unauthorized leave and leave without pay. The Lawson payroll system pays for all hours worked at the regular (1-time) rate. Any overtime worked during the first pay period of a 28-day cycle is paid first at the regular rate and any overtime (premium) portion is paid at the end of the 28-day cycle if the member has exceeded 212 hours during the cycle.

Very small checks received by some employees are the result of rounding differences resulting from different methods of calculation – the Lawson system versus Excel. These checks also indicate that the affected employees have already been paid by Lawson and no additional monies are due for the covered period based on the change in the law.

A method to calculate overtime under this new law is as follows:

1. Add all hours except sick, Kelly, suspension or leave without pay for each of the two pay periods in a 28-day cycle
2. Subtract 212 from the total hours in step 1. This represents the premium hours
3. Multiply the premium hours by the hourly rate and divide by two.

The earned overtime premium pay will be included with the overtime premium pay on your normal payroll check at the end of the 28-day cycle and not issued as a separate check once the system setup is finalized.

Non-operations employees or those that are on 2080/40 hr work week will receive the adjusted overtime once the payroll system's programming changes have been completed.

Please contact Egbert Hood, Payroll Manager at 670-3532 with further questions.

Tod A. Gillam, Acting Fire Chief
Dallas Fire-Rescue

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