
EMPLOYMENT - TEXAS

City of Houston v. Bates

Supreme Court of Texas - June 28, 2013 - S.W.3d - 2013 WL 3240206

Retired city firefighters brought action against city, alleging that city had made unauthorized deductions from their termination pay upon retirement.

The Supreme Court of Texas held that:

- Statute governing calculation of overtime required that only paid leave, and not unpaid leave, be included in calculation of hours, but
- Statute governing calculation of termination pay preempted city ordinances excluding premium pay from definition of "salary" for purposes of termination pay calculation.

Sections of local government code entitling city firefighters to a lump-sum payment for accumulated but unused vacation and sick leave upon retirement, requiring accumulated vacation and sick leave to be valued at the firefighter's "salary" at the time firefighters accumulated the leave, preempted city ordinances excluding certain types of premium pay from definition of salary for purposes of calculating accumulated benefit leave for termination pay due to firefighters upon retirement.

Statute requiring that time spent on "authorized leave" be included in calculating the number of hours city firefighter worked during a work cycle for purposes of overtime compensation, required that only paid leave, and not unpaid leave, be included in calculation of hours. The phrase "any other authorized leave" was preceded in statute by six categories of paid leave, sick time, vacation time, meal time, holidays, compensatory time, death in the family leave, indicating that legislature intended term to have the limited meaning of encompassing only other forms of paid leave.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com