

BILL ANALYSIS

C.S.S.B. 73
By: Nelson
General Investigating & Ethics
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that state agency policy toward granting the various types of leave offered to state employees would benefit from increased clarity and transparency. C.S.S.B. 73 seeks to provide for this increase by reforming the law regarding leave policy and procedures for state employees.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 73 amends the Government Code to require a state agency, as defined under statutory provisions relating to the state employee sick leave pool, to adopt a policy governing leave for employees that provides clear and objective guidelines to establish under what circumstances an agency employee may be entitled to or granted each type of leave. The bill requires the state agency to post the adopted policy on the agency's website in a location easily accessible by the agency's employees and the public.

C.S.S.B. 73 prohibits the administrative head of an agency from granting an emergency leave to an employee unless the administrative head believes in good faith that the employee being granted the emergency leave intends to return to the employee's position with the agency on expiration of the emergency leave period. The bill requires the administrative head of an agency to report to the comptroller of public accounts, not later than October 1 of each year, the name and position of each agency employee who was granted more than 32 hours of emergency leave during the previous state fiscal year, the reason for which the employee was granted the emergency leave, and the total number of hours of emergency leave granted to the employee in that state fiscal year. The bill requires the first report, due October 1, 2017, to cover the period from September 1, 2016, to August 31, 2017.

C.S.S.B. 73 requires the comptroller, as part of the centralized accounting and payroll system or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project, to adopt a uniform system for use by each agency in the executive or judicial branch of state government that is created by the state constitution or a state statute, including a public university system or public institution of higher education, for the reporting of leave taken by the agency's employees. The bill requires such state agencies to use that uniform system and requires the system to include standardized accounting codes for each type of authorized leave.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 73 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 661, Government Code, is amended.

SECTION 1. Same as engrossed version.

SECTION 2. Section 661.902, Government Code, is amended.

SECTION 2. Same as engrossed version.

SECTION 3. Subchapter C, Chapter 2101, Government Code, is amended by adding Section 2101.042 to read as follows:

SECTION 3. Subchapter C, Chapter 2101, Government Code, is amended by adding Section 2101.042 to read as follows:

Sec. 2101.042. LEAVE REPORTING. (a) As part of the centralized accounting and payroll system or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project developed under Sections 2101.031, 2101.035, and 2101.036, the comptroller shall adopt a uniform system for use by each state agency to report leave taken by the agency's employees. The system adopted by the comptroller must include standardized accounting codes for each type of leave authorized under Chapter 661.

Sec. 2101.042. LEAVE REPORTING. (a) As part of the centralized accounting and payroll system or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project developed under Sections 2101.031, 2101.035, and 2101.036, the comptroller shall adopt a uniform system for use by each state agency to which Section 2101.036 applies under Subsection (d) of that section for the reporting of leave taken by the agency's employees. The system adopted by the comptroller must include standardized accounting codes for each type of leave authorized under Chapter 661.

(b) Each state agency shall use the uniform system adopted by the comptroller under this section.

(b) A state agency to which Subsection (a) applies shall use the uniform system adopted by the comptroller under this section.

SECTION 4. Section 661.902(b), Government Code, as amended by this Act, applies only to a grant of emergency leave made on or after the effective date of this Act. A grant of emergency leave made before the effective date of this Act is governed by the law in effect on the date the emergency leave was granted, and the former law is continued in effect for that purpose.

SECTION 4. Same as engrossed version.

SECTION 5. The first report required under

SECTION 5. Same as engrossed version.

Section 661.902(c), Government Code, as added by this Act, is due October 1, 2017, and must cover the period from September 1, 2016, to August 31, 2017.

SECTION 6. This Act takes effect September 1, 2017.

SECTION 6. Same as engrossed version.