

SUBJECT: Vacation and sick leave for state employees on unpaid military leave

COMMITTEE: Defense and Veterans' Affairs — favorable, without amendment

VOTE: 7 ayes — Corte, Chavez, Edwards, Farias, Maldonado, Ortiz, C. Turner

0 nays

2 absent — Vaught, Pickett

SENATE VOTE: On final passage, April 2 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: Dwain James, Texas Committee for Employer Support of the Guard and Reserve; Morgan Little, Department of Texas Reserve Officers Association)

Against — None

BACKGROUND: Government Code, sec. 661.904 entitles a state employee called to active duty during a national emergency as a member of the armed forces reserve to an unpaid leave of absence. A state employee called to active duty continues to accrue state service credit for longevity pay purposes, but not vacation or sick leave. Any vacation or sick leave accrued by the employee before being called to active duty is retained, and the balance is credited to the employee on his or her return to state employment.

DIGEST: SB 833 would allow a state employee to accrue vacation and sick leave while on an unpaid military leave of absence during a national emergency. Any vacation or sick leave accrued while on active duty would be credited to a state employee on his or her return.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

SUPPORTERS SAY: SB 833 would allow all state employees called up to active duty military service during an emergency to accrue vacation and sick leave, not just those who receive differential pay. State employees called up to active

duty whose military pay is less than their state pay are entitled to receive the difference from the state. Because they receive money from the state, those employees are considered to be on paid leave and may accrue vacation and sick leave during their time of service. The bill would extend that benefit to state employees on unpaid military leave and do not receive differential pay.

Fewer than 500 state employees currently take an unpaid military leave of absence during an emergency. While state employees who retire can convert unused sick leave and vacation hours to service credit for calculating their pension, with such a small number of employees involved, the impact of the bill on the Employees Retirement System trust fund would be minimal.

OPPONENTS
SAY:

No apparent opposition.