

- SUBJECT:** Changing requirements and reporting of state employee emergency leave
- COMMITTEE:** General Investigating and Ethics — committee substitute recommended
- VOTE:** 7 ayes — S. Davis, Moody, Capriglione, Nevárez, Price, Shine, Turner
- WITNESSES:** For — (*Registered, but did not testify*: Anthony Gutierrez, Common Cause Texas; Joanne Richards, Common Ground for Texans; Carol Birch, Public Citizen Texas)
- Against — None
- On — Rob Coleman, Comptroller of Public Accounts; (*Registered, but did not testify*: Verma Elliott, State Auditor's Office)
- BACKGROUND:** Government Code, sec. 661.902 allows a state employee to take emergency paid leave in the case of a death in the employee's family or if the administrative head of an agency determines that an employee has shown "good cause" for taking emergency leave.
- DIGEST:** CSHB 578 would adjust the conditions under which a state employee may be granted emergency leave or paid investigative leave.

Emergency leave. In cases not pertaining to a death in an employee's family, the bill would require the administrative head of an agency to grant emergency leave to an employee if the employee requested it and the administrative head determined that the employee had shown good cause for taking the leave. The bill also would require that the administrator believed in good faith that the employee would return to work at the end of the leave period.

The bill would not require an employee to request emergency leave if the agency head closed the agency due to weather conditions or holiday observance.

Investigative Leave. The bill would allow the administrative head of an

agency to grant paid leave to a state employee subject to an investigation conducted by the agency. The employee under investigation could not receive leave for that reason under any other provision of ch. 661, subch. Z, which includes emergency leave and other miscellaneous leave provisions.

The bill also would require an agency to submit a report by the last day of each quarter to the comptroller and Legislative Budget Board that included the name of each agency employee granted 168 hours or more of investigative leave during that fiscal quarter and a brief statement explaining why the employee remained on leave.

Leave reporting. The bill would require the comptroller to adopt a uniform system for use by each state agency in reporting employee leave, which would include standardized accounting codes for each type of leave.

This bill would take effect September 1, 2017, and would apply to a grant of leave made on or after that date.

**SUPPORTERS
SAY:**

CSHB 578 would address vague wording that governs the use of emergency leave by state agencies. In 2016, an investigation by the State Auditor's Office revealed that state agencies were improperly using emergency leave to pay employees for non-emergencies. This included the use of emergency leave as a form of severance, which is prohibited by the Texas Constitution.

The bill would provide specific language to prevent abuse of emergency leave and more responsibly monitor the stewardship of taxpayer funds. It also would strengthen government accountability by standardizing reporting procedures for leave granted by agencies and by creating a uniform system for the comptroller to aggregate the reporting data.

**OPPONENTS
SAY:**

No apparent opposition.