

SUBJECT: Changing requirements and reporting of state employee leave

COMMITTEE: General Investigating and Ethics — committee substitute recommended

VOTE: 6 ayes — S. Davis, Capriglione, Nevárez, Price, Shine, Turner
0 nays
1 absent — Moody

SENATE VOTE: On final passage, April 3 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing

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.

In 2016, a report by the State Auditor's Office found inconsistent leave policies across state government. The office recommended that the Legislature consider clarifying statutory provisions related to the use of emergency leave by requiring state agencies to use standardized reasons for leave accounting and adding a statewide reporting requirement for certain types of employee leave.

DIGEST: CSSB 73 would require state agencies to adopt a policy governing leave for employees under Government Code, ch. 661, including vacation leave, sick leave, and emergency leave.

The policy would be required to provide clear and objective guidelines to establish under what circumstances an employee of the agency could be entitled to or granted each type of leave. A state agency would be required to post the policy on its website in a location easily accessible by the agency's employees and the public.

An administrative head of an agency would be authorized to determine that a reason other than a death in the family was sufficient reason for granting emergency leave. The leave could not be granted to an employee unless the administrative head believed in good faith that the employee intended to return to his or her position after the emergency leave period expired.

The head of an agency would be required to report to the comptroller by October 1 of each year the name and position of each employee who had been granted more than 32 hours of emergency leave during the previous state fiscal year, the reason for the leave, and the total number of hours granted to that employee. The first report would be due October 1, 2017, covering the period from September 1, 2016, to August 31, 2017.

As part of the centralized accounting and payroll system or any successor system, the comptroller would be required to adopt a uniform system for state agencies to report each type of leave.

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

NOTES:

CSSB 73 differs from the Senate-passed version by using the definition for a state agency found under the statutory provisions relating to the state employee sick leave pool.

A companion bill, HB 360 by Geren, was referred to the House General Investigating and Ethics Committee on February 21.