

BILL ANALYSIS

Senate Research Center
81R24741 SLB-F

C.S.S.B. 1946
By: West
Intergovernmental Relations
4/19/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, firefighters in Dallas are not authorized to establish business leave accounts similar to those created for firefighters and police officers in other urban municipalities.

C.S.S.B. 1946 amends current law relating to business leave time for accounts for firefighter employee organizations in certain municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 142, Local Government Code, by adding Section 142.0135, as follows.

Sec. 142.0135. BUSINESS LEAVE TIME ACCOUNT FOR FIRE FIGHTERS IN CERTAIN MUNICIPALITIES. (a) Provides that this section applies only to firefighters employed by a municipality with a population of one million or more that has not adopted Chapter 174 (Fire and Police Employee Relations) and to which Chapter 143 (Municipal Civil Service for Firefighters and Police Officers) does not apply.

(b) Defines "business leave" and "employee organization."

(c) Authorizes a firefighter who is a member of an employee organization to donate not more than one hour for each quarter of accumulated time to the business leave time account of the employee organization to which the firefighter belongs. Requires the municipality to establish and maintain a separate business leave time account for each employee organization that has approved or ratified the use of a business leave time by its members under this section.

(d) Authorizes only a firefighter who is a member of an employee organization to use for business leave purposes the time donated to the account of the employee organization. Authorizes a firefighter to use for business leave purposes the time donated under this section without receiving a reduction in salary and without reimbursing the municipality.

(e) Requires that a request to use for business leave purposes the time in an employee organization's time account be in writing and submitted to the municipality by the president or the equivalent officer of the employee organization or by that officer's designee.

(f) Requires the municipality to grant a request for business leave that complies with Subsection (e) unless denial of the request is necessary because of an emergency or a grant of the request will result in having an insufficient number of firefighters to carry out the normal functions of the municipality.

(g) Requires the municipality to account for the time donated to the account and used from the account. Requires the municipality to credit and debit the account on an hour-for-hour basis regardless of the cash value of the time donated or used.

(h) Prohibits the employee organization from using for business leave purposes more than 4,000 hours from its business leave time account under this section in a calendar year unless the municipality approves the use of hours in excess of 4,000. Provides that this subsection does not prevent an employee organization from accumulating more than 4,000 hours, but only addresses the total number of donated hours that an employee organization may use in any calendar year.

(i) Provides that the use of business leave by a firefighter under this section is not a break in service for any purpose and is treated as any other paid leave.

SECTION 2. Effective date: upon passage or September 1, 2009.