

BILL ANALYSIS

Senate Research Center
82R27481 JTS-F

C.S.H.B. 1057
By: Anchia (West)
Intergovernmental Relations
5/11/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 1057 amends current law relating to business leave time for certain municipal firefighters and police officers.

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 Subchapter A, Chapter 142, Local Government Code, by adding Section 142.014, as follows:

Sec. 142.014. BUSINESS LEAVE TIME ACCOUNT FOR FIREFIGHTERS 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, in this section, "business leave" and "employee organization."

(c) Provides that if the constitution and bylaws of an employee organization authorize the employee organization to participate in the establishment and maintenance of a business leave time account as provided by this section, a firefighter who is a member of an employee organization may donate not more than one hour of accumulated vacation or compensatory time for each calendar quarter to the business leave time account of the employee organization to which the firefighter belongs. Requires a municipality to establish and maintain a separate business leave time account for each employee organization that has approved or ratified the use of business leave time by its members under this section and has a specific provision in the constitution and bylaws of that employee organization.

(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 be 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:

(1) denial of the request is necessary because of an emergency; or

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

(h) Prohibits an 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. Amends Sections 142.013(b) and (c), Local Government Code, as follows:

(b) Redefines, in this section, "employee organization."

(c) Authorizes a police officer, if the constitution and bylaws of an employee organization authorize the employee organization to participate in the establishment and maintenance of a business leave time account as provided by this section, to donate not more than two hours for each month of accumulated vacation or compensatory time to the business leave time account of the employee organization. Requires the municipality to establish and maintain a business leave time account for each employee organization. Makes nonsubstantive changes.

SECTION 3. Effective date: upon passage or September 1, 2011.