

BILL ANALYSIS

Senate Research Center

S.B. 73
By: Nelson
Finance
5/30/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 73 helps ensure that emergency leave is reserved for true emergencies, and that tax payer dollars are spent responsibly. Specifically, it:

- limits the discretion of an agency head to grant emergency leave to employees who they believe in good faith will return to employment following that leave period;
- requires an agency report to the Texas comptroller of public accounts (comptroller) employees who were granted more than 32 hours of emergency leave during the previous fiscal year;
- requires each agency to adopt a policy governing leave for employees and that the policy be prominently posted on the agency's website; and
- instructs the comptroller to adopt a policy to include standardized accounting codes as a part of the centralized accounting and payroll system. (Original Author's / Sponsor's Statement of Intent)

S.B. 73 amends current law relating to leave policy and procedures for state employees.

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 661, Government Code, by adding Subchapter H, as follows:

SUBCHAPTER H. STATE AGENCY LEAVE POLICY

Sec. 661.251. DEFINITION. Defines "state agency."

Sec. 661.252. AGENCY POLICY. (a) Requires a state agency to adopt a policy governing leave for employees.

(b) Requires that the policy provide clear and objective guidelines to establish under what circumstances an employee of the agency may be entitled to or granted each type of leave provided by this chapter.

(c) Requires the state agency to post the policy adopted under this section on the agency's website in a location easily accessible by the agency's employees and the public.

SECTION 2. Amends Section 661.902, Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes the administrative head of an agency to determine that a reason other than a reason described by Subsection (a) (relating to entitling a state employee to emergency leave because of a death in the employee's family) is sufficient for granting emergency leave. Requires the administrative head, subject to the provisions of this subsection and

except as provided by Subsection (c), to grant an emergency leave to an employee if the employee requests the leave and the administrative head determines that the employee has shown good cause for taking emergency leave. Prohibits the administrative head from granting an emergency leave to an employee unless the administrative head believes in good faith that the employee being granted the emergency leave intends to return to the employee's position with the agency on expiration of the period of emergency leave. Makes nonsubstantive changes.

(c) Provides that an employee is not required to request an emergency leave if the administrative head of the employing agency grants the emergency leave under Subsection (b) because the agency is closed due to weather conditions or in observance of a holiday.

(d) Requires the administrative head of an agency to report certain information regarding emergency leave to the Texas comptroller of public accounts (comptroller) not later than October 1 of each year.

SECTION 3. Amends Subchapter Z, Chapter 661, Government Code, by adding Section 661.923, as follows:

Sec. 661.923. LEAVE DURING AGENCY INVESTIGATION. (a) Authorizes the administrative head of an agency to grant leave without a deduction in salary to a state employee who is the subject of an investigation being conducted by the agency or a victim of, or witness to, an act or event that is the subject of an investigation being conducted by the agency.

(b) Provides that a state employee who is the subject of an investigation being conducted by the employing agency is ineligible to receive leave for that reason under any other provision of this subchapter.

(c) Requires an agency, not later than the last day of each quarter of a state fiscal year, to submit a report to the state auditor's office and the Legislative Budget Board that includes the name of each agency employee described by Subsection (a)(1) (relating to an employee who is the subject of an investigation being conducted by the agency) who has been granted 168 hours or more of leave under this section during that fiscal quarter. Requires that the report include, for each employee, a brief statement as to the reason the employee remains on leave.

SECTION 4. Amends Subchapter Z, Chapter 661, Government Code, by adding Section 661.924, as follows:

Sec. 661.924. MEDICAL AND MENTAL HEALTH CARE LEAVE FOR CERTAIN VETERANS. (a) Provides that this section applies to a state employee who is a veteran, as defined by Section 434.023(a) (relating to the definition of "veteran") and eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs (VA).

(b) Authorizes a state employee described by Subsection (a) to be granted leave without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time to obtain medical or mental health care administered by the VA, including physical rehabilitation.

(c) Prohibits leave granted under Subsection (b), except as provided by Subsection (d), from exceeding 15 days each fiscal year.

(d) Authorizes the administrative head of a state agency to annually grant additional days of leave described by Subsection (b) as the administrative head determines appropriate for the employee.

SECTION 5. Amends Subchapter C, Chapter 2101, Government Code, by adding Section 2101.042, as follows:

Sec. 2101.042. LEAVE REPORTING. (a) Requires the comptroller to adopt a uniform system for use by each state agency meeting certain criteria to report leave taken by the agency's employees as part of the centralized accounting and payroll system or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project developed under Sections 2101.031 (Uniform Statewide Accounting Project), 2101.035 (Administration of USAS), and 2101.036 (State Agency Internal Accounting Systems). Requires that the system adopted by the comptroller include standardized accounting codes for each type of leave authorized under Chapter 661 (Leave).

(b) Requires each state agency to which Subsection (a) applies to use the uniform system adopted by the comptroller.

SECTION 6. Makes application of Section 661.902(b), Government Code, as amended by this Act, and Section 661.923, Government Code, as added by this Act, prospective.

SECTION 7. Provides that the first report required under Section 661.902(c), Government Code, as added by this Act, is due October 1, 2017, and is required to cover the period from September 1, 2016, to August 31, 2017.

SECTION 8. Effective date: September 1, 2017.