

By: Shaheen

H.B. No. 599

A BILL TO BE ENTITLED

AN ACT

relating to holidays for state employees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.006(f)(2), Election Code, is amended to read as follows:

(2) "State holiday" means a state holiday under Sections 662.003(b)(1) through (5) [~~(6)~~], Government Code.

SECTION 2. Sections 661.035(a) and (b), Government Code, are amended to read as follows:

(a) For a state employee who at the time of death is normally scheduled to work at least 40 hours a week, eight hours is to be added to the employee's sick and vacation leave under Section 661.034 for each state or national holiday that is scheduled to fall within the period after the date of death and during which the employee could have used leave and for the floating holiday under Section 662.006 if the employee did not receive a paid day off for the holiday during the fiscal year in which the state employee died.

To determine the period during which leave could have been used and the number of state or national holidays, the employee's leave is allocated over the workdays after the employee's death and eight hours is added as a state or national holiday occurs during the period.

(b) For a state employee who at the time of death is normally scheduled to work fewer than 40 hours a week, the number of hours

1 that is to be added to the employee's accumulated sick and vacation  
2 leave for each state, floating, or national holiday is computed as  
3 provided by Subsection (a), but is to be proportionally reduced  
4 according to the lesser number of the employee's normally scheduled  
5 weekly work hours.

6 SECTION 3. Sections [661.064](#)(a), (b), and (c), Government  
7 Code, are amended to read as follows:

8 (a) This subsection applies except as provided by  
9 Subsection (c). For a state employee who on the date of separation  
10 is normally scheduled to work at least 40 hours a week, eight hours  
11 are to be added to the employee's accrued vacation time for each  
12 state or national holiday that is scheduled to fall within the  
13 period after the date of separation and during which the employee  
14 could have used the time and for the floating holiday under Section  
15 [662.006](#) if the employee did not receive a paid day off for the  
16 holiday during the fiscal year in which the state employee  
17 separates from state employment. To determine the period during  
18 which vacation time could have been used and the number of state or  
19 national holidays, the employee's vacation time is allocated over  
20 the workdays after the employee's separation and eight hours are  
21 added as a state or national holiday occurs during the period.

22 (b) For a state employee who on the date of separation is  
23 normally scheduled to work less than 40 hours a week, the number of  
24 hours that is to be added to the employee's accrued vacation time  
25 for each state, floating, or national holiday is computed as  
26 provided by Subsection (a), but is to be proportionally reduced  
27 according to the lesser number of the employee's normally scheduled

1 weekly work hours.

2 (c) For a state employee who is paid under this subchapter  
3 because the separation from state employment involves a move to a  
4 position in a state agency that does not accrue vacation time, no  
5 hours may be added to the employee's accrued vacation time for a  
6 state or national holiday which is scheduled to fall within the  
7 period after the date of separation and during which the employee  
8 could have used the time or for a floating holiday under Section  
9 662.006.

10 SECTION 4. Section 662.003(b), Government Code, is amended  
11 to read as follows:

12 (b) A state holiday includes only the following days:

13 (1) [~~the 19th day of January, "Confederate Heroes~~  
14 ~~Day," in honor of Jefferson Davis, Robert E. Lee, and other~~  
15 ~~Confederate heroes,~~

16 [~~2~~] the second day of March, "Texas Independence  
17 Day";

18 (2) [~~3~~] the 21st day of April, "San Jacinto Day";

19 (3) [~~4~~] the 19th day of June, "Emancipation Day in  
20 Texas," in honor of the emancipation of the slaves in Texas in 1865;

21 (4) [~~5~~] the 27th day of August, "Lyndon Baines  
22 Johnson Day," in observance of the birthday of Lyndon Baines  
23 Johnson;

24 (5) [~~6~~] the Friday after Thanksgiving Day;

25 (6) [~~7~~] the 24th day of December; and

26 (7) [~~8~~] the 26th day of December.

27 SECTION 5. The heading to Section 662.006, Government Code,

1 is amended to read as follows:

2           Sec. 662.006. ADDITIONAL FLOATING HOLIDAY [~~OPTIONAL~~  
3 ~~HOLIDAY~~].

4           SECTION 6. Section 662.006(a), Government Code, is amended  
5 to read as follows:

6           (a) A state employee is entitled to select during a fiscal  
7 year a paid day off from working for a state agency in addition to  
8 the paid days off under Section 662.005 if the [~~An~~] individual [~~who~~]  
9 is a state employee on the last workday before and [~~or~~] the first  
10 workday after the day selected by the employee. A state employee  
11 who selects a floating holiday under this section is entitled [~~an~~  
12 ~~optional holiday, or on both workdays, is entitled, except as~~  
13 ~~provided by Section 662.010,~~] to a paid day off from working for a  
14 state agency on the last workday before and the first workday after  
15 the floating holiday if:

16                   (1) the holiday does not fall on a Saturday or Sunday;  
17 and

18                   (2) the employee agrees to give up, during the same  
19 fiscal year, an equivalent number of days included as [~~a~~] state  
20 holidays under Sections 662.003(b)(1) through (4) [~~holiday~~] that:

21                           (A) do [~~does~~] not fall on a Saturday or Sunday;  
22 and

23                           (B) the General Appropriations Act does not  
24 prohibit state agencies from observing [~~and~~

25 [~~(3) the General Appropriations Act does not prohibit~~  
26 ~~state agencies from observing the optional holiday~~].

27           SECTION 7. Section 662.021, Government Code, is amended to

1 read as follows:

2           Sec. 662.021. DATES OF HOLIDAYS. A legal holiday includes  
3 only the following days:

- 4           (1) a national holiday under Section 662.003(a); and  
5           (2) a state holiday under Sections 662.003(b)(1)  
6 through (5) [~~(6)~~].

7           SECTION 8. The following provisions of the Government Code  
8 are repealed:

- 9           (1) Section 662.003(c);  
10          (2) Section 662.006(b); and  
11          (3) Section 662.013.

12          SECTION 9. The changes in law made by this Act apply only to  
13 a separation from state employment or a death of a state employee  
14 that occurs on or after the effective date of this Act. A  
15 separation or death that occurs before that date is governed by the  
16 law in effect at the time of the separation or death, and the former  
17 law is continued in effect for that purpose.

18          SECTION 10. This Act takes effect September 1, 2023.