

## **BILL ANALYSIS**

C.S.H.B. 2642  
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Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

A business leave time account decreases the amount of money a peace officer employee organization is required to reimburse a municipality or county when its members who are approved by the municipality or county to take time off from work to conduct legislative business. A number of peace officers have expressed interest in donating some of their accumulated vacation and compensatory time to their employee organization to be used for employee organization business purposes. Committee Substitute House Bill 2642 requires a municipality or county within its scope of applicability to establish and maintain a business leave time account for each peace officer employee organization.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 180, Local Government Code, by adding Section 180.005, which requires certain municipalities and counties to create business leave time accounts for peace officers in their employ.

This section would only apply to: (1) municipalities with a population of 200,000 or more; but not municipalities with a population of 460,000 or more with a city manager form of government; nor municipalities with a population of 1.5 million or more; nor municipalities of one million or more that have not adopted Chapter 143, Local Government Code; nor those municipalities which have adopted Chapter 174, Local Government Code ("The Fire and Police Employee Relations Act"); and (2) a county with a population of 500,000 or more.

This section also defines "business leave" and "officer." It would authorize a peace officer to donate not more than five hours for each month of accumulated vacation or compensatory time to the union business leave time account of an employee organization, which shall be established and maintained by the municipality or county. This section would require written authorization on an approved form for such a donation, as well as written revocation of such authorization, which would terminate monthly transfers previously authorized by the officer. In addition, the section provides that only officer members of the employee organization may use time in that employee organization's account. Such use would allow the officer business leave without a reduction in salary, nor a duty to reimburse the municipality or county for time lost. In order to use time in the account, the president or equivalent officer of the employee organization must submit to the municipality or county a written request, which shall be granted except in cases of emergency or when a grant of the request would result in an insufficient number of officers available to carry out the normal functions of the municipality or county.

This section requires a municipality to credit and debit a legislative leave account or an hour-for-hour basis regardless of the cash value of the time donated or used. It also provides that an employee organization may not use more than 4,000 hours from an account in a calendar year, but may accumulate more than 4,000 hours. The section provides that an officer may use business leave for legislative leave purposes or take legislative leave. In addition, any use of business leave under this section is not a break in service and is treated as any other paid leave.

SECTION 2. Effective Date

**EFFECTIVE DATE:** September 1, 2003

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 2642 adds an exception to the application of the bill not included in the original for municipalities of one million or more which have not adopted Chapter 143, Local Government Code. The substitute also strikes the word “peace” in the term “peace officer” so that the word “officer” remains throughout the bill, and adds detention officers and jailers licensed under Chapter 1701, Occupations Code, to the term “officer.” The substitute also allows donation of five hours each year, where the original only allowed donation of two hours yearly.