

BILL ANALYSIS

S.B. 1669
By: Averitt
Defense Affairs and State-Federal Relations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Texas law provides for 15 days of leave for state employees and employees of political subdivisions during active military service in state military forces or a reserve component of armed forces; up to 15 days, such leave is taken without loss of salary, efficiency rating, or vacation time. However, many school employees receive state or local personal or sick leave, which is not protected under Texas law. Additionally, school districts may be hesitant to adopt policies providing for paid leaves of absence because of constitutional prohibitions relating to gifts of public funds. If paid leave policies were adopted as partial consideration for employees' contracts or terms of employment, that would eliminate any violation to those state constitutional provisions. S.B. 1669 protects a school employee's personal and sick leave from loss of time during a leave of absence. This bill also requires a school employee to be able to use available personal leave for compensation during a term of active military service, and authorizes a school district or home-rule school district to consider a policy of providing paid leave during active military service as part of a consideration of employment.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Government Code, to include personal and sick leave hours in the list of benefits a person is prohibited from losing during a military leave of absence.

SECTION 2. Provides that a school employee with available personal leave under this section is entitled to use that leave for compensation during a term of active military service. Provides that this subsection applies to any personal or sick leave available under former law or provided by local policy of a school district, including a home-rule school district.

The bill also authorizes a school district, including a home-rule school district, to adopt a policy providing for the paid leave of employees taking leave for active military service, as part of the consideration of employment by the district.

SECTION 3. Effective date: upon passage or September 1, 2003.