

By: Bailey

H.B. No. 2642

Substitute the following for H.B. No. 2642:

By: Menendez

C.S.H.B. No. 2642

A BILL TO BE ENTITLED

AN ACT

relating to business leave time accounts for peace officers and  
detention officers in certain municipalities and counties.

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

SECTION 1. Chapter 180, Local Government Code, is amended  
by adding Section 180.005 to read as follows:

Sec. 180.005. BUSINESS LEAVE TIME ACCOUNT FOR OFFICERS IN  
CERTAIN MUNICIPALITIES AND COUNTIES. (a) Except as provided by  
Subsection (b), this section applies only to an officer employed  
by:

(1) a municipality with a population of 200,000 or  
more; or

(2) a county with a population of 500,000 or more.

(b) This section does not apply to an officer employed by a  
municipality:

(1) to which Subchapter I or J, Chapter 143, applies;

(2) that has adopted Chapter 174; or

(3) with a population of one million or more that has  
not adopted Chapter 143.

(c) In this section:

(1) "Business leave" means leave taken for the purpose  
of attending to the business of an employee organization.

(2) "Officer" means a person who is:

(A) a peace officer under Article 2.12, Code of

1 Criminal Procedure; or

2 (B) a detention officer or jailer licensed under  
3 Chapter 1701, Occupations Code.

4 (d) An officer may donate not more than five hours each year  
5 of accumulated vacation or compensatory time to the business leave  
6 time account of an employee organization. The municipality or  
7 county shall establish and maintain a business leave time account  
8 for each employee organization.

9 (e) The officer must authorize the donation in writing on a  
10 form provided by the employee organization and approved by the  
11 municipality or county. After receiving the signed authorization  
12 on an approved form, the municipality or county shall transfer  
13 donated time to the account annually until the municipality or  
14 county receives the officer's written revocation of the  
15 authorization.

16 (f) Only an officer who is a member of an employee  
17 organization may use for business leave purposes the time donated  
18 to the account of that employee organization. An officer may use  
19 for business leave purposes the time donated under this section  
20 without receiving a reduction in salary and without reimbursing the  
21 municipality or county.

22 (g) A request to use for business leave purposes the time in  
23 an employee organization's time account must be in writing and  
24 submitted to the municipality or county by the president or the  
25 equivalent officer of the employee organization or by that  
26 officer's designee.

27 (h) The municipality or county shall grant a request for

1 business leave that complies with Subsection (g) unless:

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

4 (2) a grant of the request will result in having an  
5 insufficient number of officers to carry out the normal functions  
6 of the municipality or county.

7 (i) The municipality or county shall account for the time  
8 donated to the account and used from the account. The municipality  
9 or county shall credit and debit the account on an hour-for-hour  
10 basis regardless of the cash value of the time donated or used.

11 (j) An employee organization may not use for business leave  
12 purposes more than 4,000 hours from its business leave time account  
13 under this section in a calendar year. This subsection does not  
14 prevent an employee organization from accumulating more than 4,000  
15 hours.

16 (k) An officer may:

17 (1) use business leave under this section for  
18 legislative leave purposes in lieu of following the procedures  
19 prescribed by Subchapter A, Chapter 614, Government Code, or  
20 another legislative leave statute; or

21 (2) take legislative leave under Subchapter A, Chapter  
22 614, Government Code, or another applicable legislative leave  
23 statute.

24 (l) The use of business leave by an officer under this  
25 section is not a break in service for any purpose and is treated as  
26 any other paid leave.

27 SECTION 2. This Act takes effect September 1, 2003.