

By: Talton

H.B. No. 2730

A BILL TO BE ENTITLED

AN ACT

relating to business leave time accounts for peace 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 PEACE OFFICERS IN CERTAIN MUNICIPALITIES AND COUNTIES. (a) Except as provided by Subsection (b), this section applies only to a peace 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 a peace officer employed by a municipality:

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

(2) that has adopted Chapter 174.

(c) In this section:

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

(2) "Peace officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure.

(d) A peace officer may donate not more than two hours each

1 month of accumulated vacation or compensatory time to the business
2 leave time account of an employee organization. The municipality
3 or county shall establish and maintain a business leave time
4 account for each employee organization.

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

12 (f) Only a peace officer who is a member of an employee
13 organization may use for business leave purposes the time donated
14 to the account of that employee organization. A peace officer may
15 use for business leave purposes the time donated under this section
16 without receiving a reduction in salary and without reimbursing the
17 municipality or county.

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

23 (h) The municipality or county shall grant a request for
24 business leave that complies with Subsection (g) unless:

25 (1) denial of the request is necessary because of an
26 emergency; or

27 (2) a grant of the request will result in having an

1 insufficient number of peace officers to carry out the normal
2 functions of the municipality or county.

3 (i) The municipality or county shall account for the time
4 donated to the account and used from the account. The municipality
5 or county shall credit and debit the account on an hour-for-hour
6 basis regardless of the cash value of the time donated or used.

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

12 (k) A peace officer may:

13 (1) use business leave under this section for
14 legislative leave purposes in lieu of following the procedures
15 prescribed by Subchapter A, Chapter 614, Government Code, or
16 another legislative leave statute; or

17 (2) take legislative leave under Subchapter A, Chapter
18 614, Government Code, or another applicable legislative leave
19 statute.

20 (1) The use of business leave by a peace officer under this
21 section is not a break in service for any purpose and is treated as
22 any other paid leave.

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