

By: Van de Putte

S.B. No. 1800

A BILL TO BE ENTITLED

AN ACT

relating to state employee military leave.

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

SECTION 1. Section 431.005, Government Code is amended to read as follows:

(a) A person who is an officer or employee of the state, a municipality, a county, or another political subdivision of the state and who is a member of the state military forces or a reserve component of the armed forces is entitled to a paid leave of absence from the person's duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 work days in a federal fiscal year. During the leave of absence the person may not be subjected to loss of time, efficiency rating, or vacation time. [~~or salary.~~]

(b) [~~Leaves of absence under Subsection (a) may not exceed 15 days in a federal fiscal year, except that~~] A [~~a~~] member of the legislature is entitled to pay for all days that the member is absent from a session of the legislature and engaged in training and duty as provided by Subsection (a).

(c) A state employee who is a member of the state military forces or a reserve component of the armed forces and who is ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty.

1 SECTION 2. Section 431.0825, Government Code is amended to
2 read as follows:

3 A state employee called to active duty as a member of the
4 state military forces [~~National Guard~~] by the governor is entitled
5 to receive paid emergency leave without loss of military leave in
6 accordance with 431.005(a) or annual leave.

7 SECTION 3. Section 659.023, Government Code is amended to
8 read as follows:

9 (a) A state agency shall notify its employees annually of
10 the state's policy on compensatory time.

11 (b) A state agency shall accommodate to the extent
12 practicable an employee's request to use accrued compensatory time.

13 (c) A state agency shall provide employees activated to
14 military services as members of the reserve component a balance of
15 their accrued state compensatory time and will accommodate an
16 employees request to either use the balance prior to the 12 month
17 expiration period or extend the expiration period.

18 SECTION 4. Section 661.903, Government Code is amended to
19 read as follows:

20 A state employee who is called to state active duty as a
21 member of the state military forces [~~Texas National Guard~~] by the
22 governor because of an emergency is entitled to a leave of absence
23 without a deduction in salary if paid by state funds in accordance
24 with Section 431.0825.

25 SECTION 5. Section 661.904, Government Code is amended to
26 read as follows:

27 (a) An employee called to active duty during a national

1 emergency to serve in a reserve component of the armed forces of the
2 United States under Title 10 or Title 32 of the United States Code
3 is entitled to an unpaid leave of absence.

4 (b) The employee continues to accrue state service credit
5 for purposes of longevity pay while on military duty described by
6 Subsection (a) but does not accrue vacation or sick leave if in an
7 unpaid status. [~~during that time.~~].

8 (c) The employee may retain[~~s~~] any accrued vacation or sick
9 leave and is entitled to be credited with those balances on return
10 to state employment from military duty described by Subsection (a).

11 (d) The employee may choose to utilize any accrued vacation
12 leave, earned compensatory leave or FLSA overtime leave in whole or
13 in part to maintain benefits for themselves or their dependents
14 while on military duty described by Subsection (a). Leave earned
15 while in a state paid status is credited to the employees balance
16 when the employee returns to active state employment.

17 (e) The administrative head of an agency may grant
18 sufficient emergency leave as differential pay to a state employee
19 on unpaid leave whose military gross pay is less than the
20 individuals state gross pay. The combination of emergency leave
21 and military pay may not exceed the employee's actual state gross
22 pay.

23 (f) The employee activated for military service may use any
24 combination of paid leave (accrued state compensatory time, FLSA
25 overtime, annual leave, 15 days of military leave, or approved
26 agency differential pay) to continue to accrue ERS retirement
27 service credit by receiving a minimum of one hour of state pay

1 during each month of active military service. State health
2 insurance and premium payment issues as a result of a paid leave and
3 unpaid leave during a calendar month should be reviewed with the
4 employee prior to departure for military service.