

BILL ANALYSIS

Senate Research Center
79R3642 CAS-F

S.B. 315
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S/C on Higher Education
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, faculty members in numerous institutions of higher education throughout Texas are hired on nine-month contracts. These contracts allow faculty members to accrue sick leave time that carries over from semester to semester, but do not permit faculty members to accrue personal leave time. As proposed, S.B. 315 requires the governing body of each institution of higher education to adopt a policy permitting faculty to use five sick leave days as personal leave days in each academic year, and prohibits a faculty member from using sick leave days as personal leave days, if at any time during the academic year the total number of sick leave days falls below 20.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9615, as follows:

Sec. 51.9615. MINIMUM PERSONAL LEAVE FOR HIGHER EDUCATION FACULTY. (a) Defines "faculty member" and "institution of higher education."

(b) Requires the governing board of each institution of higher education to adopt a policy permitting faculty members to use five sick leave days as personal leave days in each academic year. Authorizes the governing board, in the policy, to permit faculty members to use more than five sick leave days as personal leave days in each academic year. Prohibits a member to use sick leave as personal leave during an academic year if at any time during that academic year the total number of sick leave days available to the faculty member falls below 20.

(c) Authorizes a policy adopted by the governing board of an institution of higher education to regulate a faculty member's use of sick leave as personal leave if the policy does not restrict the purposes for which the personal leave may be used.

(d) Requires the governing board to develop an appropriate form for the use of sick leave days as personal leave days.

(e) Prohibits a faculty member from carrying forward from one academic year to the next unused accumulated personal leave to which the faculty member is entitled under a policy adopted under this section.

(f) Requires the faculty member and the institution of higher education to make every reasonable effort to provide without additional expense to the institution comparable instruction for any classes the faculty member may miss while taking personal leave. Requires the institution to adopt a policy for recovering from the faculty member any expense incurred by the institution as a result of the faculty member's personal leave.

(g) Provides that this section does not apply to an institution of higher education that adopts a comprehensive leave policy for faculty members and other employees as permitted by Section 51.961 (Leave Provisions For Employees of University System or Component Institution of Systems).

SECTION 2. Makes application of this Act prospective to the 2005-2006 academic school year.

SECTION 3. Effective date: upon passage or September 1, 2005.