

BILL ANALYSIS

S.B. 1345
By: Van de Putte
Defense Affairs & State-Federal Relations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Texas state law allows for 15 days of annual paid leave for the purposes of military training and active duty deployments. In addition, the law entitles all deployed military members to an unpaid leave of absence from their state positions, with no loss of years of service accrual, and secures a return to their former position on return from duty. State agency heads are required to grant emergency leave to deployed individuals for the purposes of providing differential pay, if the deployed military member's gross salary on active duty is less than their state salary.

However, current state law mandates that state agencies consider the "gross" salary of deployed military members for the purposes of calculating a pay differential. This means that hazardous pay allowances, hardship pay, and family separation allowances are counted in this calculation of the gross pay amount. The purpose of these forms of additional pay is to compensate active duty personnel for the risk to life, hardship, and separation from family members caused by deployments to overseas combat zones. In effect, current state law eliminates these extra benefits for deployed military members, because it only guarantees that these individuals will receive the state salary received before deployment.

S.B. 1345 corrects this problem by striking the "gross" payment language from the military pay calculation and adding language to specifically exempt combat zone pay, hardship pay, and family separation pay from the computation of military pay for the purposes of arriving at a differential pay amount. S.B. 1345 further provides that the state auditor will establish uniform guidelines for state agencies in determining the amount of emergency leave to grant to deployed military members for the purposes of providing differential pay.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Requires the administrative head of a state agency to grant sufficient emergency leave as differential pay to a state employee on unpaid military leave if the employee's military pay, rather than military gross pay, is less than the employee's state gross pay.

Provides that, for purposes of Subsection (a), military pay does not include money the employee receives for service in a combat zone, as hardship pay, or for being separated from the employee's family.

Requires the state auditor to adopt guidelines to assist state agencies in determining the amount of emergency leave to grant to an employee under this section as differential pay.

SECTION 2. Requires the office of the state auditor, not later than December 1, 2005, to develop guidelines required by Section 661.9041, Government Code, as amended by this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives the necessary vote, otherwise it takes effect September 1, 2005.

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