

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 2, 2007**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB996** by Watson (Relating to employment leave to comply with certain family or medical obligations; providing a civil penalty.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB996, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable (Cost) from UNEMPL COMP SP ADM ACCT 165</b>	<b>Change in Number of State Employees from FY 2007</b>
2008	(\$119,935)	1.8
2009	(\$109,259)	1.8
2010	(\$109,259)	1.8
2011	(\$109,259)	1.8
2012	(\$109,259)	1.8

**Fiscal Analysis**

The bill would amend the Labor Code to entitle eligible employees to use accrued leave for family or medical obligations.

The bill would prohibit employers who employ 50 or more employees in this state from interfering with an employee's attempt to exercise these rights and would authorize the Texas Workforce Commission (TWC) to hold the employer liable for damages on behalf of the employee and to assess civil penalties not exceeding \$100 per violation. The bill would require TWC to receive, investigate, and attempt to resolve complaints of violations under the Labor Law Program. The bill would also require penalty revenue to be deposited to the credit of the General Revenue Fund.

The bill would take effect September 1, 2007. In addition, the bill would require TWC to adopt

associated rules by November 1, 2007 and the provisions of the bill relating to employee absences would not take effect until January 1, 2008.

### **Methodology**

In determining the number of complaints that could be received in Texas, TWC relied on information provided by the U.S. Department of Labor, Wage and Hour Division (USDOL), which administers the Federal Family Medical Leave Act (FMLA). TWC estimates the number of USDOL FMLA complaints received for Texas which resulted in investigations per year is approximately 121. In addition, TWC estimates the number of hours spent by USDOL on the 121 investigations is approximately 2,500. Based on this analysis TWC estimates 1.3 FTEs for Investigator IVs and 0.5 FTE for an Accounts Examiner III will be needed to implement these provisions.

Estimates provided by TWC include costs associated with creating forms, publications, mailing, database maintenance and salaries. The total cost for fiscal year 2008 of \$119,935 includes: salaries and wages (\$71,750), benefits (\$20,298), administrative and support costs (\$14,350), and other costs (\$2,861). Total cost for fiscal year 2009-2012 of \$109,259 each fiscal year includes: salaries and wages (\$71,750), benefits (\$20,298), administrative and support costs (\$14,350), and other costs (\$2,861).

The Office of the Attorney General anticipates any legal work resulting from the passage of this bill could be reasonably absorbed with current resources. Based on the analysis of the Comptroller of Public Accounts and the Teacher Retirement System it is assumed that costs associated with duties and responsibilities associated with implementing the provisions of the bill could be absorbed utilizing existing resources.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 320 Texas Workforce Commission, 323 Teacher Retirement System

**LBB Staff:** JOB, JRO, MW, NV