

BILL ANALYSIS

Senate Research Center
81R13004 YDB-D

C.S.S.B. 71
By: Nelson
Health & Human Services
3/4/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Paid leave for an employee is covered by agency rule. Currently, there are no statutes dictating how long an employee can be on paid leave while the agency performs a background check. This legislation responds to a recent audit finding that employees had been placed on paid leave for excessive lengths of time. This bill reduces the resources, time, and money spent paying for employee leave related to criminal background checks.

C.S.S.B. 71 authorizes the administrative head of the Health and Human Services Commission or a health and human services agency to grant leave without a deduction in salary to an employee while the agency performs a criminal history background check on the employee, and prohibits the total amount of leave for that purpose from exceeding 30 days during a state fiscal biennium. The bill sets forth procedures in the event that the 30-day limit is exceeded.

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 A, Chapter 531, Government Code, by adding Section 531.0105, as follows:

Sec. 531.0105. LIMITATION ON PAID LEAVE FOR CERTAIN HEALTH AND HUMAN SERVICES AGENCY EMPLOYEES. (a) Authorizes the administrative head of the Health and Human Services Commission (HHSC) or a health and human services agency to grant leave without a deduction in salary to an agency employee while the agency performs a criminal history background check on the employee.

(b) Provides that, except as provided by Subsection (c), the total amount of leave an employee is authorized to be granted under this section is prohibited from exceeding 30 days during a state fiscal biennium.

(c) Authorizes the executive commissioner of HHSC (executive commissioner) to approve leave that exceeds 30 days during a state fiscal biennium for good cause. Provides that good cause includes additional time required to obtain or procure criminal history records from another jurisdiction or for the disposition of a criminal case.

(d) Requires the executive commissioner, if the executive commissioner determines that the actual time required for a criminal history background check to be conducted on an employee will exceed the amount of leave granted under this section, including under an extension granted under Subsection (c), to make a reasonable effort to transfer the employee to a position that does not require direct patient contact.

SECTION 2. Effective date: September 1, 2009.