

BILL ANALYSIS

S.B. 522
By: Averitt
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Most school employees have more than one type of leave available to them as a result of the state minimum sick leave program that existed before September 1, 1995, the state minimum personal leave programs that have existed since, and leave granted in addition to the state minimum program in local district policy. An educator currently does not have statutory authority to choose which leave to take among the leave options available. Depending on the employee's circumstances and plans, using one type of leave before using a different type of leave may be more advantageous.

S.B. 522 authorizes a public school employee to determine which type of leave to use first, provided the leave designated is available for the purpose of such leave, by prohibiting a school district's board of trustees from adopting a policy that restricts the order in which an employee may use personal leave and by entitling an employee to use sick leave, or personal leave, accumulated under a former program in any order.

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

S.B. 522 amends the Education Code to prohibit a school district's board of trustees from adopting a policy governing an employee's use of personal leave provided under the state minimum personal leave program that restricts the order in which an employee may use the state minimum personal leave and any additional personal leave provided by the school district. The bill entitles a public school employee who retains any sick leave accumulated under the former minimum sick leave program to use that sick leave or personal leave in any order to the extent that the leave used is appropriate to the purpose of the leave. The bill makes its provisions applicable beginning with the 2009-2010 school year.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.