

BILL ANALYSIS

S.B. 833
By: Carona
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, when a member of the military who is employed by state government is called to military duty, Section 661.904 (Differential Pay), Government Code, requires the state to pay the person an amount equal to the difference between the military wages the person will receive and the pay the person was receiving in his or her employment with the state, if the amount of military pay is less than the pay the person received from the state. This is referred to as "differential pay." Because the military member is paid through a combination of military pay and differential pay, his or her time deployed is considered by the state to be "paid leave." When a state employee is on paid leave, the employee continues to accrue vacation and sick leave.

In some cases, when a person in military service is an officer, his or her military pay may be higher than the person's state pay. In this case, the person would not be entitled to differential pay. When a military member does not receive differential pay, his or her leave of absence from state employment is considered unpaid leave. When a state employee is on unpaid leave, the employee does not continue to accrue vacation and sick leave.

As proposed, SB 833 amends Section 661.904, Government Code, to allow a state employee called to military service to continue to accrue vacation and sick leave even when the person is considered to be on unpaid leave because he or she is not entitled to 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

SB 833 amends the Government Code to establish that an employee on an unpaid leave of absence during military duty after being called to active duty during a national emergency to serve in a reserve component of the U.S. armed forces continues to accrue vacation leave and sick leave. The bill specifies that leave earned while on an unpaid leave of absence as described above, rather than in a state-paid status, is credited to the employee's balance when the employee returns to active state employment.

EFFECTIVE DATE

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