

By: Nelson

S.B. No. 71

A BILL TO BE ENTITLED

AN ACT

relating to the limitation on paid leave for state employees at health and human services agencies pending a criminal history background check.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0105 to read as follows:

Sec. 531.0105. LIMITATION ON PAID LEAVE FOR CERTAIN HEALTH AND HUMAN SERVICES AGENCY EMPLOYEES. (a) The administrative head of the commission or a health and human services agency may grant leave without a deduction in salary to an agency employee while the agency awaits the results of a criminal history background check on the employee.

(b) Except as provided by Subsection (c), the total amount of leave an employee may be granted under this section may not exceed 30 days during a state fiscal biennium.

(c) The executive commissioner may approve leave that exceeds 30 days during a state fiscal biennium for good cause. Good cause includes additional time required:

(1) to obtain or procure criminal history records from another jurisdiction; or

(2) for the disposition of a criminal case.

(d) If the executive commissioner determines that the actual time required for a criminal history background check to be

1 conducted on an employee will exceed the amount of leave granted
2 under this section, including under an extension granted under
3 Subsection (c), the executive commissioner shall make a reasonable
4 effort to transfer the employee to a position that does not require
5 direct patient contact.

6 SECTION 2. This Act takes effect September 1, 2009.