

1-1 By: Nelson S.B. No. 71
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 9, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 9, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 71 By: Shapleigh

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the limitation on paid leave for state employees at
1-11 health and human services agencies pending a criminal history
1-12 background check.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter A, Chapter 531, Government Code, is
1-15 amended by adding Section 531.0105 to read as follows:

1-16 Sec. 531.0105. LIMITATION ON PAID LEAVE FOR CERTAIN HEALTH
1-17 AND HUMAN SERVICES AGENCY EMPLOYEES. (a) The administrative head
1-18 of the commission or a health and human services agency may grant
1-19 leave without a deduction in salary to an agency employee while the
1-20 agency awaits the results of a criminal history background check on
1-21 the employee.

1-22 (b) Except as provided by Subsection (c), the total amount
1-23 of leave an employee may be granted under this section may not
1-24 exceed 30 days during a state fiscal biennium.

1-25 (c) The executive commissioner may approve leave that
1-26 exceeds 30 days during a state fiscal biennium for good cause. Good
1-27 cause includes additional time required:

1-28 (1) to obtain or procure criminal history records from
1-29 another jurisdiction; or

1-30 (2) for the disposition of a criminal case.

1-31 (d) If the executive commissioner determines that the
1-32 actual time required for a criminal history background check to be
1-33 conducted on an employee will exceed the amount of leave granted
1-34 under this section, including under an extension granted under
1-35 Subsection (c), the executive commissioner shall make a reasonable
1-36 effort to transfer the employee to a position that does not require
1-37 direct patient contact.

1-38 SECTION 2. This Act takes effect September 1, 2009.

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