

By: West

S.B. No. 1946

A BILL TO BE ENTITLED

AN ACT

relating to business leave time accounts for firefighter employee organizations in certain municipalities.

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

SECTION 1. Subchapter A, Chapter 142, Local Government Code, is amended by adding Section 142.0135 to read as follows:

Sec. 142.0135. BUSINESS LEAVE TIME ACCOUNT FOR FIREFIGHTERS IN CERTAIN MUNICIPALITIES. (a) This section applies only to firefighters employed by a municipality with a population of one million or more that has not adopted Chapter 174 and to which Chapter 143 does not apply.

(b) In this section:

(1) "Business leave" means leave taken for the purpose of attending to the business of an employee organization.

(2) "Employee organization" includes:

(A) the Dallas Fire Fighters Association;

(B) the Dallas Black Fire Fighters Association;

and

(C) the Dallas Hispanic Firefighters Association.

(c) A firefighter who is a member of an employee organization may donate not more than one hour for each quarter of accumulated leave time to the business leave time account of the employee organization to which the firefighter belongs. The

1 municipality shall establish and maintain a separate business leave
2 time account for each employee organization that has approved or
3 ratified the use of business leave time by its members under this
4 section.

5 (d) Only a firefighter who is a member of an employee
6 organization may use for business leave purposes the time donated
7 to the account of the employee organization. A firefighter may use
8 for business leave purposes the time donated under this section
9 without receiving a reduction in salary and without reimbursing the
10 municipality.

11 (e) A request to use for business leave purposes the time in
12 an employee organization's time account must be in writing and be
13 submitted to the municipality by the president or the equivalent
14 officer of the employee organization or by that officer's designee.

15 (f) The municipality shall grant a request for business
16 leave that complies with Subsection (e) unless:

17 (1) denial of the request is necessary because of an
18 emergency; or

19 (2) a grant of the request will result in having an
20 insufficient number of firefighters to carry out the normal
21 functions of the municipality.

22 (g) The municipality shall account for the time donated to
23 each account and used from each account. The municipality shall
24 credit and debit an account on an hour-for-hour basis regardless of
25 the cash value of the time donated or used.

26 (h) An employee organization may not use for business leave
27 purposes more than 4,000 hours from its business leave time account

1 under this section in a calendar year unless the municipality
2 approves the use of hours in excess of 4,000. This subsection does
3 not prevent an employee organization from accumulating more than
4 4,000 hours, but only addresses the total number of donated hours
5 that an employee organization may use in any calendar year.

6 (i) The use of business leave by a firefighter under this
7 section is not a break in service for any purpose and is treated as
8 any other paid leave.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.