

By: West

S.B. No. 1946

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 142.0135. BUSINESS LEAVE TIME ACCOUNT FOR FIRE FIGHTERS IN CERTAIN MUNICIPALITIES. (a) This section applies only to fire fighters 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 Fighter's Association

(c) A fire fighter shall donate not more than one hour for each quarter of accumulated time to the business leave time account of the Dallas Fire Fighter's Association. The municipality shall establish and maintain a business leave time account for the employee organization.

(d) Only a fire fighter who is a member of the Dallas Fire Fighter's Association may use for business leave purposes the time donated to the account of the employee organization. A fire fighter

1 may use for business leave purposes the time donated under this
2 section without receiving a reduction in salary and without
3 reimbursing the municipality.

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

8 (f) The municipality shall grant a request for business
9 leave that complies with Subsection (f) unless:

10 (1) denial of the request is necessary because of an
11 emergency; or

12 (2) a grant of the request will result in having an
13 insufficient number of fire fighters to carry out the normal
14 functions of the municipality.

15 (g) The municipality shall account for the time donated to
16 the account and used from the account. The municipality shall
17 credit and debit the account on an hour-for-hour basis regardless
18 of the cash value of the time donated or used.

19 (h) The employee organization may not use for business leave
20 purposes more than 4,000 hours from its business leave time account
21 under this section in a calendar year, unless the municipality
22 approves the use of hours in excess of 4,000. This subsection does
23 not prevent an employee organization from accumulating more than
24 4,000 hours, but only addresses the total number of donated hours
25 that an employee organization may use in any calendar year.

26 (i) The use of business leave by a fire fighter under this
27 section is not a break in service for any purpose and is treated as

1 any other paid leave.

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