

1-1 By: West S.B. No. 1946
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 20, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1946 By: West

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

1-10 relating to business leave time accounts for firefighter employee
1-11 organizations in certain municipalities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 142, Local Government
1-14 Code, is amended by adding Section 142.0135 to read as follows:

1-15 Sec. 142.0135. BUSINESS LEAVE TIME ACCOUNT FOR FIREFIGHTERS
1-16 IN CERTAIN MUNICIPALITIES. (a) This section applies only to
1-17 firefighters employed by a municipality with a population of one
1-18 million or more that has not adopted Chapter 174 and to which
1-19 Chapter 143 does not apply.

1-20 (b) In this section:

1-21 (1) "Business leave" means leave taken for the purpose
1-22 of attending to the business of an employee organization.

1-23 (2) "Employee organization" includes:

1-24 (A) the Dallas Fire Fighters Association;

1-25 (B) the Dallas Black Fire Fighters Association;

1-26 and

1-27 (C) the Dallas Hispanic Firefighters
1-28 Association.

1-29 (c) A firefighter who is a member of an employee
1-30 organization may donate not more than one hour for each quarter of
1-31 accumulated leave time to the business leave time account of the
1-32 employee organization to which the firefighter belongs. The
1-33 municipality shall establish and maintain a separate business leave
1-34 time account for each employee organization that has approved or
1-35 ratified the use of business leave time by its members under this
1-36 section.

1-37 (d) Only a firefighter who is a member of an employee
1-38 organization may use for business leave purposes the time donated
1-39 to the account of the employee organization. A firefighter may use
1-40 for business leave purposes the time donated under this section
1-41 without receiving a reduction in salary and without reimbursing the
1-42 municipality.

1-43 (e) A request to use for business leave purposes the time in
1-44 an employee organization's time account must be in writing and be
1-45 submitted to the municipality by the president or the equivalent
1-46 officer of the employee organization or by that officer's designee.

1-47 (f) The municipality shall grant a request for business
1-48 leave that complies with Subsection (e) unless:

1-49 (1) denial of the request is necessary because of an
1-50 emergency; or

1-51 (2) a grant of the request will result in having an
1-52 insufficient number of firefighters to carry out the normal
1-53 functions of the municipality.

1-54 (g) The municipality shall account for the time donated to
1-55 each account and used from each account. The municipality shall
1-56 credit and debit an account on an hour-for-hour basis regardless of
1-57 the cash value of the time donated or used.

1-58 (h) An employee organization may not use for business leave
1-59 purposes more than 4,000 hours from its business leave time account
1-60 under this section in a calendar year unless the municipality
1-61 approves the use of hours in excess of 4,000. This subsection does
1-62 not prevent an employee organization from accumulating more than
1-63 4,000 hours, but only addresses the total number of donated hours

2-1 that an employee organization may use in any calendar year.
2-2 (i) The use of business leave by a firefighter under this
2-3 section is not a break in service for any purpose and is treated as
2-4 any other paid leave.

2-5 SECTION 2. This Act takes effect immediately if it receives
2-6 a vote of two-thirds of all the members elected to each house, as
2-7 provided by Section 39, Article III, Texas Constitution. If this
2-8 Act does not receive the vote necessary for immediate effect, this
2-9 Act takes effect September 1, 2009.

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