

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1477  
By: Hegar  
Veteran Affairs & Military Installations  
4/8/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, most state and local government employees are entitled to differential pay (salary provided to equalize differing wage rates) when performing active duty training or service with the state or federal military forces. Employees of emergency services districts are eligible for differential pay, but the term is limited to 15 days. This creates a problem for emergency services district employees who are assigned to active military duty, as they must sacrifice needed wages and benefits in order to serve. C.S.S.B. 1477 would authorize the governing board of emergency services districts formed under Chapter 775 (Emergency Services Districts), Health and Safety Code, to vote to provide differential pay and benefits for the entirety of an employee's active military duty term.

C.S.S.B. 1477 amends current law relating to differential pay and benefits for certain officers and employees of emergency services districts who are members of the armed forces.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.039, as follows:

Sec. 775.039. DIFFERENTIAL PAY AND BENEFITS FOR OFFICERS AND EMPLOYEES OF EMERGENCY SERVICES DISTRICTS. (a) Authorizes a board of emergency services commissioners (board) to provide differential pay to a district officer or employee who is a member of the state military forces or a reserve component of the United States armed forces who is called to active duty if:

(1) the board adopts a policy providing for differential pay for all similarly situated officers or employees; and

(2) the officer's or employee's military pay is less than the officer's or employee's gross pay from the district.

(b) Prohibits the combination of differential pay and military pay from exceeding the officer's or employee's actual gross pay from the district.

(c) Provides that for purposes of this section, military pay does not include money the officer or employee receives:

(1) for service in a combat zone;

(2) as hardship pay; or

(3) for being separated from the officer's or employee's family.

(d) Provides that the differential pay provided by Subsection (a) begins when the benefits allowed under Section 431.005 (Leave of Absence for Public Officers and Employees), Government Code, are exhausted and continue until the officer's or employee's active military duty terminates.

(e) Authorizes the board to extend the insurance benefits provided by the district to a district officer or employee who is a member of the state military forces or a reserve component of the United States armed forces who is called to active duty and to the officer's or employee's dependents. Provides that the extension period begins when the benefits allowed under Section 431.005, Government Code, are exhausted and continues until the officer's or employee's active military duty terminates.

SECTION 2. Effective date: September 1, 2011.