

1-1 By: Anchia (Senate Sponsor - West) H.B. No. 1057
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 2, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 13, 2011, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 13, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1057 By: West

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

1-10 relating to business leave time for certain municipal firefighters
1-11 and police officers.

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 142.014 to read as follows:

1-15 Sec. 142.014. 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) If the constitution and bylaws of an employee
1-30 organization authorize the employee organization to participate in
1-31 the establishment and maintenance of a business leave time account
1-32 as provided by this section, a firefighter who is a member of an
1-33 employee organization may donate not more than one hour of
1-34 accumulated vacation or compensatory time for each calendar quarter
1-35 to the business leave time account of the employee organization to
1-36 which the firefighter belongs. The municipality shall establish
1-37 and maintain a separate business leave time account for each
1-38 employee organization that has approved or ratified the use of
1-39 business leave time by its members under this section and has a
1-40 specific provision in the constitution and bylaws of that employee
1-41 organization.

1-42 (d) Only a firefighter who is a member of an employee
1-43 organization may use for business leave purposes the time donated
1-44 to the account of the employee organization. A firefighter may use
1-45 for business leave purposes the time donated under this section
1-46 without receiving a reduction in salary and without reimbursing the
1-47 municipality.

1-48 (e) A request to use for business leave purposes the time in
1-49 an employee organization's time account must be in writing and be
1-50 submitted to the municipality by the president or the equivalent
1-51 officer of the employee organization or by that officer's designee.

1-52 (f) The municipality shall grant a request for business
1-53 leave that complies with Subsection (e) unless:

1-54 (1) denial of the request is necessary because of an
1-55 emergency; or

1-56 (2) a grant of the request will result in having an
1-57 insufficient number of firefighters to carry out the normal
1-58 functions of the municipality.

1-59 (g) The municipality shall account for the time donated to
1-60 each account and used from each account. The municipality shall
1-61 credit and debit an account on an hour-for-hour basis regardless of
1-62 the cash value of the time donated or used.

1-63 (h) An employee organization may not use for business leave

2-1 purposes more than 4,000 hours from its business leave time account
2-2 under this section in a calendar year unless the municipality
2-3 approves the use of hours in excess of 4,000. This subsection does
2-4 not prevent an employee organization from accumulating more than
2-5 4,000 hours, but only addresses the total number of donated hours
2-6 that an employee organization may use in any calendar year.

2-7 (i) The use of business leave by a firefighter under this
2-8 section is not a break in service for any purpose and is treated as
2-9 any other paid leave.

2-10 SECTION 2. Sections 142.013(b) and (c), Local Government
2-11 Code, are amended to read as follows:

2-12 (b) In this section:

2-13 (1) "Business leave" means leave taken for the purpose
2-14 of attending to the business of an employee organization.

2-15 (2) "Employee organization" includes:

2-16 (A) the Texas Peace Officers Association;

2-17 (B) the Dallas Police Association;

2-18 (C) the Dallas Fraternal Order of Police; ~~and~~

2-19 (D) the Latino Peace Officers Association; and

2-20 (E) the Black Police Association of Greater
2-21 Dallas.

2-22 (c) If the constitution and bylaws of an employee
2-23 organization authorize the employee organization to participate in
2-24 the establishment and maintenance of a business leave time account
2-25 as provided by this section, a [A] police officer may donate not
2-26 more than two hours for each month of accumulated vacation or
2-27 compensatory time to the business leave time account of the [an]
2-28 employee organization. The municipality shall establish and
2-29 maintain a business leave time account for each employee
2-30 organization.

2-31 SECTION 3. This Act takes effect immediately if it receives
2-32 a vote of two-thirds of all the members elected to each house, as
2-33 provided by Section 39, Article III, Texas Constitution. If this
2-34 Act does not receive the vote necessary for immediate effect, this
2-35 Act takes effect September 1, 2011.

2-36 * * * * *