

BILL ANALYSIS

C.S.H.B. 445
By: Raney
Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties explain that certain public officers and employees who are also members of the Texas military forces, a reserve component of the armed forces, or members of a state or federally authorized urban search and rescue team are given paid leave each fiscal year to fulfill annual training requirements or to engage in certain duties. In some instances, these parties contend, unused days of such paid leave are available for use by the officer or employee. The parties go on to note that confusion relating to such paid leave is common because an employer is not expressly required to provide written notice of accumulated paid leave days to an eligible employee. C.S.H.B. 445 seeks to ensure that these employees receive written notice regarding available paid leave.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 445 amends the Government Code to require the state, a municipality, a county, or another political subdivision of the state, as soon as practicable after appointment or election, or on employment, as applicable, to provide written notice of the number of workdays of paid leave to which an officer or employee of such an entity who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled each fiscal year for certain authorized or ordered training or duty and, if applicable, the number of workdays of unused accumulated leave for such training or duty that the officer or employee is entitled to carry forward each fiscal year.

C.S.H.B. 445 requires the state, a municipality, a county, or another political subdivision of the state, on the request of such an officer or employee, to provide to that officer or employee a statement that contains the number of workdays for which the officer or employee claimed paid leave for such training or duty in that fiscal year and, if the statement is provided to an officer or employee of the state, the net balance of unused accumulated leave designated for such training or duty for that fiscal year that the officer or employee is entitled to carry forward to the next fiscal year and the net balance of all unused accumulated leave designated for such training or duty to which the officer or employee is entitled.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 445 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 437.202, Government Code, is amended by adding Subsection (e) to read as follows:

(e) This state, a municipality, a county, or another political subdivision of this state shall, at the end of each fiscal year, provide a statement to an officer or employee described by Subsection (a) that contains:

- (1) the number of workdays for which the officer or employee claimed paid leave under Subsection (a) in that fiscal year; and
- (2) if the statement is provided to an officer or employee of this state:

(A) the net balance of unused accumulated leave under Subsection (a) for that fiscal year that the officer or employee is entitled to carry forward to the next fiscal year; and

(B) the net balance of all unused accumulated leave under this section to which the officer or employee is entitled.

SECTION 2. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 437.202, Government Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) This state, a municipality, a county, or another political subdivision of this state shall provide written notice of the number of workdays of paid leave to which an officer or employee described by Subsection (a) is entitled each fiscal year under Subsection (a) and, if applicable, the number of workdays of paid leave to which an officer or employee described by Subsection (a) is entitled to carry forward each fiscal year under Subsection (b):

(1) on employment, in the case of an employee; or

(2) as soon as practicable after appointment or election, in the case of an officer.

(f) This state, a municipality, a county, or another political subdivision of this state shall, on the request of an officer or employee described by Subsection (a), provide to that officer or employee a statement that contains:

- (1) the number of workdays for which the officer or employee claimed paid leave under Subsection (a) in that fiscal year; and
- (2) if the statement is provided to an officer or employee of this state:

(A) the net balance of unused accumulated leave under Subsection (a) for that fiscal year that the officer or employee is entitled to carry forward to the next fiscal year; and

(B) the net balance of all unused accumulated leave under this section to which the officer or employee is entitled.

SECTION 2. Same as introduced version.