

BILL ANALYSIS

C.S.H.B. 578
By: Turner
General Investigating & Ethics
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the reasons for which a state employee may be granted emergency leave by the administrative head of an applicable state agency are unclear and that this ambiguity has resulted in the granting of emergency leave as a form of severance pay. C.S.H.B. 578 seeks to clarify this issue by providing for certain conditions under which an administrative head may grant such leave, including leave for an employee who is the subject of an agency investigation.

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. 578 amends the Government Code to condition the requirement that the administrative head of an applicable state agency grant an emergency leave to a state employee who the administrative head determines has shown good cause for taking emergency leave on the condition that the employee requests the leave and to prohibit the administrative head from granting such emergency leave to an employee unless the administrative head believes in good faith that the employee being granted the emergency leave intends to return to the employee's position with the agency on expiration of the period of emergency leave. The bill establishes that an employee is not required to request an emergency leave if the administrative head grants the emergency leave because the agency is closed due to weather conditions or in observance of a holiday.

C.S.H.B. 578 authorizes the administrative head of an applicable state agency to grant leave without a deduction in salary to a state employee who is the subject of an investigation being conducted by the agency. The bill makes a state employee who is the subject of an investigation being conducted by the employing agency ineligible to receive leave for that reason under any other provision regarding miscellaneous leave provisions for state employees. The bill requires an applicable state agency to submit a report to the comptroller of public accounts and the Legislative Budget Board not later than the last day of each quarter of a state fiscal year that includes the name of each of employee of the employing agency who has been granted 168 hours or more of leave due to the employee being the subject of an investigation conducted by the agency during that fiscal quarter. The bill requires such a report to include, for each employee, a brief statement as to the reason the employee remains on leave.

C.S.H.B. 578 requires the comptroller to adopt a uniform system for use by each applicable state

agency to report leave taken by the agency's employees as part of the centralized accounting and payroll system or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project. The bill requires such uniform system to include standardized accounting codes for each type of leave authorized under state law.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 578 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 661.902(b), Government Code, is amended to read as follows:

(b) The administrative head of an agency may determine that a reason other than a reason ~~[that]~~ described by Subsection (a) is sufficient for granting emergency leave. Subject to the provisions of this subsection,

the administrative head ~~[and]~~ shall grant an emergency leave to an employee if the employee requests the leave and ~~[who]~~ the administrative head determines that the employee has shown good cause for taking emergency leave. The administrative head may not grant an emergency leave to an employee under this subsection unless the administrative head believes in good faith that the employee being granted the emergency leave intends to return to the employee's position with the agency on expiration of the period of emergency leave.

SECTION 2. Subchapter Z, Chapter 661, Government Code, is amended by adding Section 661.923 to read as follows:

Sec. 661.923. LEAVE DURING AGENCY INVESTIGATION. (a) The administrative head of an agency may grant leave without a deduction in salary to a state employee who is the subject of an investigation being

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 661.902, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The administrative head of an agency may determine that a reason other than a reason ~~[that]~~ described by Subsection (a) is sufficient for granting emergency leave. Subject to the provisions of this subsection and except as provided by Subsection (c),

the administrative head ~~[and]~~ shall grant an emergency leave to an employee if the employee requests the leave and ~~[who]~~ the administrative head determines that the employee has shown good cause for taking emergency leave. The administrative head may not grant an emergency leave to an employee under this subsection unless the administrative head believes in good faith that the employee being granted the emergency leave intends to return to the employee's position with the agency on expiration of the period of emergency leave.

(c) An employee is not required to request an emergency leave if the administrative head of the employing agency grants the emergency leave under Subsection (b) because the agency is closed due to weather conditions or in observance of a holiday.

SECTION 2. Subchapter Z, Chapter 661, Government Code, is amended by adding Section 661.923 to read as follows:

Sec. 661.923. LEAVE DURING AGENCY INVESTIGATION. (a) The administrative head of an agency may grant leave without a deduction in salary to a state employee who is the subject of an investigation being

conducted by the agency.

(b) A state employee who is the subject of an investigation being conducted by the employing agency is ineligible to receive leave for that reason under any other provision of this subchapter.

No equivalent provision.

SECTION 3. Section 661.902(b), Government Code, as amended by this Act, and Section 661.923, Government Code, as added by this Act, apply only to a grant of leave made on or after the effective date of this Act. A grant of leave made before the effective date of this Act is governed by the law in effect on the date that leave was granted, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

conducted by the agency.

(b) A state employee who is the subject of an investigation being conducted by the employing agency is ineligible to receive leave for that reason under any other provision of this subchapter.

(c) Not later than the last day of each quarter of a state fiscal year, an agency shall submit a report to the comptroller and the Legislative Budget Board that includes the name of each employee of the employing agency who has been granted 168 hours or more of leave under this section during that fiscal quarter. The report must include, for each employee, a brief statement as to the reason the employee remains on leave.

SECTION 3. Subchapter C, Chapter 2101, Government Code, is amended by adding Section 2101.042 to read as follows:

Sec. 2101.042. LEAVE REPORTING. (a) As part of the centralized accounting and payroll system or any successor system used to implement the enterprise resource planning component of the uniform statewide accounting project developed under Sections 2101.031, 2101.035, and 2101.036, the comptroller shall adopt a uniform system for use by each state agency to report leave taken by the agency's employees. The system adopted by the comptroller must include standardized accounting codes for each type of leave authorized under Chapter 661.

(b) Each state agency shall use the uniform system adopted by the comptroller under this section.

SECTION 4. Section 661.902, Government Code, as amended by this Act, and Section 661.923, Government Code, as added by this Act, apply only to a grant of leave made on or after the effective date of this Act. A grant of leave made before the effective date of this Act is governed by the law in effect on the date that leave was granted, and the former law is continued in effect for that purpose.

SECTION 5. Same as introduced version.