By: Turner, Guillen   H.B. No. 2757

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the donation of sick leave by state employees.

3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4   SECTION 1.   Section 661.002(a), Government Code, is amended

5   to read as follows:

6   (a)   The governing body of a state agency shall, through the

7   establishment of a program, allow an agency employee to voluntarily

8   transfer to a sick leave pool:

9   (1)   sick leave earned by the employee; and

10   (2)   sick leave donated to the employee under Section

11 661.207.

12   SECTION 2.   Section 661.003(a), Government Code, is amended

13 to read as follows:

14   (a)   An employee may contribute to the sick leave pool:

15   (1)   one or more days of the employee's accrued sick

16 leave; and

17   (2)   sick leave donated to the employee under Section

18 661.207.

19   SECTION 3.   Section 661.207, Government Code, is amended to

20 read as follows:

21   Sec. 661.207.   DONATION OF SICK LEAVE.   (a)   An employee may

22 donate any amount of the employee's accrued sick leave to another

23 employee who is:

24   (1)   [is] employed in the same state agency as the donor

1 employee; and

2   (2) eligible to receive donated sick leave under

3 Subsection (b) [has exhausted the employee's sick leave, including

4 any time the individual may be eligible to withdraw from a sick

5 leave pool].

6   (b) An employee is eligible to receive donated sick leave

7 under this section if:

8   (1) the employee complies with Subsection (c);

9   (2) the employee is experiencing a medical emergency

10 or is caring for a member of the employee's immediate family who is

11 experiencing a medical emergency; and

12   (3) as a result of the medical emergency, the employee

13 has exhausted all paid leave available to the employee, including

14 any time the employee is eligible to withdraw from a sick leave

15 pool.

16   (c) An employee who requests donated sick leave under this

17 section must provide the employing state agency with a written

18 statement from the licensed practitioner who is treating the

19 employee or a member of the employee's immediate family. The

20 statement must provide sufficient information regarding the

21 condition of the employee or the employee's family member to enable

22 the agency to determine whether the employee or the employee's

23 family member is experiencing a medical emergency.

24   (d) An employee may not provide or receive remuneration or a

25 gift in exchange for a sick leave donation under this section.

26   (e) Notwithstanding any other law, an [(c) An] employee

27 who receives donated sick leave under this section may not[:

1   [(1) ~~use sick leave donated to the employee under this~~

2 ~~section except as provided by Sections~~ 661.202~~(d) and (e); or~~

3   [~~(2) notwithstanding any other law,~~] receive service

4 credit in the Employees Retirement System of Texas for any sick

5 leave donated to the employee under this section that is unused on

6 the last day of that employee's employment.

7   (f)   For purposes of this section, a person is a member of an

8 employee's immediate family if the person would be considered a

9 member of the employee's immediate family under Section 661.202(d).

10   (g) [~~(d)~~]   In this section:

11   (1)   "Employee" [~~, "employee"~~] and "state agency" have

12 the meanings assigned by Section 661.001.

13   (2)   "Medical emergency" means a severe medical

14 condition that:

15   (A)   affects the mental or physical health of an

16 employee or a member of the employee's immediate family;

17   (B)   requires treatment by a licensed

18 practitioner; and

19   (C)   requires the employee's prolonged absence

20 from work.

21   SECTION 4.   The change in law made by this Act applies only

22 to a donation of sick leave that is made on or after the effective

23 date of this Act.   A donation of sick leave made before the

24 effective date of this Act is governed by the law in effect when the

25 sick leave was donated, and the former law is continued in effect

26 for that purpose.

27   SECTION 5.   This Act takes effect September 1, 2017.