

By: Turner

H.B. No. 2757

A BILL TO BE ENTITLED

AN ACT

relating to the donation of sick leave by state employees.

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

SECTION 1. Section 661.002(a), Government Code, is amended to read as follows:

(a) The governing body of a state agency shall, through the establishment of a program, allow an agency employee to voluntarily transfer to a sick leave pool:

(1) sick leave earned by the employee; and

(2) sick leave donated to the employee under Section 661.207.

SECTION 2. Section 661.003(a), Government Code, is amended to read as follows:

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

(1) one or more days of the employee's accrued sick leave; and

(2) sick leave donated to the employee under Section 661.207.

SECTION 3. Section 661.207, Government Code, is amended to read as follows:

Sec. 661.207. DONATION OF SICK LEAVE. (a) An employee may donate any amount of the employee's accrued sick leave to another employee who is:

(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); and

9 (2) the administrative head of the employee's  
10 employing agency determines that:

11 (A) the employee is experiencing a medical  
12 emergency or is caring for a member of the employee's immediate  
13 family who is experiencing a medical emergency; and

14 (B) as a result of the medical emergency, the  
15 employee has exhausted all paid leave available to the employee,  
16 including any time the employee is eligible to withdraw from a sick  
17 leave pool.

18 (c) An employee who requests donated sick leave under this  
19 section must provide the administrative head of the employing  
20 agency with a written statement from the licensed practitioner who  
21 is treating the employee or a member of the employee's immediate  
22 family. The statement must provide sufficient information  
23 regarding the condition of the employee or the employee's family  
24 member to enable the administrative head to determine whether the  
25 employee or the employee's family member is experiencing a medical  
26 emergency.

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

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

2 (e) Notwithstanding any other law, an [~~(c) An~~] employee  
3 who receives donated sick leave under this section may not~~[+~~

4 [~~(1) use sick leave donated to the employee under this~~  
5 ~~section except as provided by Sections 661.202(d) and (e), or~~

6 [~~(2) notwithstanding any other law,~~] receive service  
7 credit in the Employees Retirement System of Texas for any sick  
8 leave donated to the employee under this section that is unused on  
9 the last day of that employee's employment.

10 (f) For purposes of this section, a person is a member of an  
11 employee's immediate family if the person would be considered a  
12 member of the employee's immediate family under Section 661.202(d).

13 (g) [~~(d)~~ In this section:

14 (1) "Employee" [~~,"employee"~~] and "state agency" have  
15 the meanings assigned by Section 661.001.

16 (2) "Medical emergency" means a severe medical  
17 condition that:

18 (A) affects the mental or physical health of an  
19 employee or a member of the employee's immediate family;

20 (B) requires treatment by a licensed  
21 practitioner; and

22 (C) requires the employee's prolonged absence  
23 from work.

24 SECTION 4. The change in law made by this Act applies only  
25 to a donation of sick leave that is made on or after the effective  
26 date of this Act. A donation of sick leave made before the  
27 effective date of this Act is governed by the law in effect when the

1 sick leave was donated, and the former law is continued in effect  
2 for that purpose.

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