

BILL ANALYSIS

C.S.H.B. 768
By: Allen
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Education Code requires that public school districts provide five days of paid personal leave per year with no limit on accumulation. While districts have the discretion to provide additional personal leave beyond this minimum, current law does not specify that the leave can be used on designated school holidays, resulting in days that an employee cannot work and cannot be paid and causing undue hardship for employees. C.S.H.B. 768 seeks to provide for the entitlement of a public school district employee to use personal leave for compensation for a day designated as a school holiday for which the employee would otherwise not receive compensation but limits the use of those personal leave days to not more than two days during the applicable year.

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. 768 amends the Education Code to entitle a public school district employee with available personal leave under the state minimum personal leave program to use the leave for compensation for a day designated as a school holiday for which the employee would otherwise not receive compensation. The bill prohibits such an employee from using more than two of the personal leave days provided to the employee per year under the program for days designated as school holidays during that year. The bill's provisions apply only to a district employee who is not exempt from the overtime provisions of the federal Fair Labor Standards Act of 1938 and whose pay is not annualized. The bill applies beginning with the 2024-2025 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 768 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions absent from the introduced that do the following:

- prohibit an applicable employee from using more than two of the applicable personal leave days for days designated as school holidays during the specified year;
- establish the applicability of the bill's provisions with respect to certain district employees; and
- establish the applicability of the bill's provisions beginning with the 2024-2025 school year.

The substitute establishes the bill's effective date as on passage, or, if the bill does not receive the necessary vote, September 1, 2023, whereas the introduced provided for the bill to take effect September 1, 2023.