

BILL ANALYSIS

Senate Research Center
88R15346 SCL-F

H.B. 995
By: Muñoz, Jr.; Frazier (Paxton)
Local Government
5/15/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Local law enforcement have raised concerns about the ability of a sheriff's department employee to take injury leave under a sheriff's department civil service system. Under such a system, available only to a sheriff's department in a county with a population of more than 500,000, an employee is not guaranteed that any time will be given for them to recover from an injury unless the civil service commission provides for it.

H.B. 995 seeks to address this issue by requiring a county operating under such a civil service system to provide to a sheriff's department employee a leave of absence for an illness or injury related to the employee's activities performed in the line of duty.

H.B. 995 amends current law relating to sheriff's department disability leave in certain counties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 158, Local Government Code, by adding Sections 158.041 and 158.042, as follows:

Sec. 158.041. ILLNESS OR INJURY LEAVE OF ABSENCE. (a) Requires a county to provide to an employee a leave of absence for an illness or injury related to the employee's activities performed in the line of duty. Provides that the leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. Requires that the leave, if necessary, continue for at least one year.

(b) Authorizes the commissioners court of the county, at the end of the one-year period, to extend the line of duty illness or injury leave at full or reduced pay. Authorizes the employee, if the employee's leave is not extended or the employee's salary is reduced below 60 percent of the employee's regular monthly salary, and the employee is a member of a pension fund, to retire on pension until the employee is able to return to duty.

(c) Authorizes an employee, if pension benefits are not available to the employee who is temporarily disabled by a line of duty injury or illness and if the year at full pay and any extensions granted by the commissioners court have expired, to use accumulated sick leave, vacation time, and other accumulated time before the employee is placed on temporary leave.

(d) Authorizes an employee, if the employee is temporarily disabled by an injury or illness that is not related to activities performed in the employee's line of duty, to use all sick leave, vacation time, and other accumulated time before the employee is placed on temporary leave.

(e) Requires an employee, after recovery from a temporary disability, to be reinstated at the same rank and with the same seniority the employee had before going on temporary leave.

(f) Authorizes another employee, while an employee who is temporarily disabled is on leave, to voluntarily do the work of the employee who is temporarily disabled or donate leave time to maintain the salary for the employee who is temporarily disabled until the temporarily disabled employee returns to duty.

Sec. 158.042. REAPPOINTMENT AFTER RECOVERY FROM DISABILITY. Provides that an employee who has been certified by a physician selected by a pension fund as having recovered from a disability for which the employee has been receiving a monthly disability pension, with the county civil service commission's approval and if otherwise qualified, is eligible for reappointment to the classified position that the employee held on the date the employee qualified for the monthly disability pension.

SECTION 2. Effective date: upon passage or September 1, 2023.