

BILL ANALYSIS

C.S.H.B. 995
By: Muñoz, Jr.
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.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.

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. 995 amends the Local Government Code to require a county operating under a sheriff's department 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. The leave is with full pay for a period commensurate with the nature of the illness or injury and shall continue, if necessary, for at least one year. The bill authorizes the county commissioners court, at the end of the one-year period, to extend the leave at full or reduced pay. The bill authorizes the employee to do the following:

- 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; or
- if pension benefits are not available to the employee 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.

C.S.H.B. 995 authorizes an employee who 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. The bill 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. The bill

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

C.S.H.B. 995 establishes that, with the sheriff's department civil service commission's approval and if otherwise qualified, 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 is eligible for reappointment to the classified position that the employee held on the date the employee qualified for the monthly disability pension.

EFFECTIVE DATE

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

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 995 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.