

BILL ANALYSIS

Senate Research Center

H.B. 3980
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Local Government
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texas law allows firefighters who are members of a law enforcement association in certain municipalities to donate an hour of accumulated vacation to a business leave time account. Time in that account can help firefighters utilize that time to gain more support for their organization. However, the interpretation of this law has led many people to believe a unanimous consent in an association is required before time can be donated to such an account. This has led to the issue that in a large association, a single member is able to prevent the utilization of the option.

H.B. 3980 attempts to correct this issue by allowing a law enforcement association to provide donations to a business leave account by an affirmative majority vote from the association's membership.

Key Provisions:

- Amends the Local Government Code to establish methods for donations to the business leave time account of an application firefighter employee organization.
- Allows the majority of the organization's members to affirmatively vote on behalf of the account.
- Repeals Section 142.014(h), Local Government Code, which limits up to 4,000 hours that an employee organization may use from its business leave account in a calendar year for business leave purposes without prior approval.

Support from the 87th Legislative Session (S.B. 1805):
Dallas Fire Fighters Association

H.B. 3980 amends current law relating to the business leave time account for a firefighter employee organization in certain municipalities.

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 Section 142.014, Local Government Code, by adding Subsection (c-1), as follows:

(c-1) Authorizes donations to the business leave time account of an employee organization by its members to be authorized in one of the following ways:

- (1) if the majority of the membership of the employee organization has not affirmatively voted to require contributions by the employee organization's members to its business leave time account:

(A) a firefighter is required to authorize the donation in writing on a form provided by the employee organization and approved by the municipality; and

(B) after receiving the signed authorization on an approved form, the municipality is required to transfer donated time to the account monthly until the municipality receives the firefighter's written revocation of the authorization; or

(2) if the majority of the membership of the employee organization has affirmatively voted to require contributions by the employee organization's members to its business leave time account:

(A) except as provided by Paragraph (C), the municipality is required to transfer donated time to the employee organization's business leave time account from the accumulated vacation or compensatory time of each firefighter who is a member of the employee organization in the amount approved by vote of the employee organization not to exceed the amount allowed under Subsection (c);

(B) the municipality is required to transfer the donated time to the account monthly beginning with the first calendar month that begins after the date of the employee organization vote requiring contributions;

(C) each year, during the period beginning on the 60th day before the anniversary of the first day of the first calendar month in which donations were first transferred to the business leave time account of the employee organization under Paragraph (B) and ending on the 30th day before that anniversary, a firefighter who is a member of the employee organization is authorized to inform the municipality in writing on a form provided by the employee organization and approved by the municipality that the firefighter chooses to not donate time to the account during the 12-month period beginning with that anniversary; and

(D) the employee organization is required to make up for the costs which incurred during the business leave by payment to the municipality in the amount equal to the overtime, pension and healthcare costs associated with replacing the firefighter on business leave.

SECTION 2. Repealer: Section 142.014(h) (relating to prohibiting an employee organization from using for business leave purposes more than 4,000 hours from its business leave time account in a calendar year unless the municipality approves the use of hours in excess of 4,000) Local Government Code.

SECTION 3. Effective date: September 1, 2023.