By:  Muñoz, Jr., Frazier (Senate Sponsor - Paxton) H.B. No. 995

(In the Senate - Received from the House April 24, 2023; April 24, 2023, read first time and referred to Committee on Local Government; May 17, 2023, reported favorably by the following vote: Yeas 9, Nays 0; May 17, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Bettencourt       X

Springer          X

Eckhardt          X

Gutierrez         X

Hall              X

Nichols           X

Parker            X

Paxton            X

West              X

A BILL TO BE ENTITLED

AN ACT

relating to sheriff's department disability leave in certain counties.

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

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

Sec. 158.041.  ILLNESS OR INJURY LEAVE OF ABSENCE. (a) A county shall 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. The leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. If necessary, the leave shall continue for at least one year.

(b)  At the end of the one-year period, the commissioners court of the county may extend the line of duty illness or injury leave at full or reduced pay. 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, the employee may retire on pension until the employee is able to return to duty.

(c)  If pension benefits are not available to an 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, the employee may use accumulated sick leave, vacation time, and other accumulated time before the employee is placed on temporary leave.

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

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

(f)  While an employee who is temporarily disabled is on leave, another employee may 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. With the 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.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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