

By: Muñoz, Jr., Frazier

H.B. No. 995

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,

1 vacation time, and other accumulated time before the employee is  
2 placed on temporary leave.

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

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

11 (f) While an employee who is temporarily disabled is on  
12 leave, another employee may voluntarily do the work of the employee  
13 who is temporarily disabled or donate leave time to maintain the  
14 salary for the employee who is temporarily disabled until the  
15 temporarily disabled employee returns to duty.

16 Sec. 158.042. REAPPOINTMENT AFTER RECOVERY FROM  
17 DISABILITY. With the commission's approval and if otherwise  
18 qualified, an employee who has been certified by a physician  
19 selected by a pension fund as having recovered from a disability for  
20 which the employee has been receiving a monthly disability pension  
21 is eligible for reappointment to the classified position that the  
22 employee held on the date the employee qualified for the monthly  
23 disability pension.

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

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1 Act takes effect September 1, 2023.