

SUBJECT: Limiting paid leave for some state employees pending background check

COMMITTEE: Human Services — favorable, without amendment

VOTE: 9 ayes — Rose, Herrero, Darby, Elkins, Hernandez, Hughes, Legler,  
Naishtat, Walle

0 nays

SENATE VOTE: On final passage, March 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: Dawn Choate, The ARC of Texas)

Against — None

On — Tom Phillips, Department of Aging and Disability Services;  
(*Registered, but did not testify*: Sharon Brewer, Texas Health and Human  
Services Commission)

BACKGROUND: Under agency rule, if the Health and Human Services Commission's (HHSC) criminal history background check on an employee identifies an unresolved or negative result, the employee is placed on a paid leave. The HHSC conducts annual criminal background checks on all agency employees who work in direct patient care.

Currently, there is no statute to dictate the length of time an employee may remain on a paid leave while the agency performs the background check.

DIGEST: SB 71 would amend ch. 531 of the Government Code to allow the HHSC executive commissioner or the administrative head of a health and human services agency to grant a leave, without a deduction in salary, to an employee awaiting a criminal history background check.

The total time of the employee's leave could not exceed 30 days in a state fiscal biennium unless the executive commissioner granted an extension for good cause. Good cause would include additional time required to obtain criminal history records from another jurisdiction or for disposition of a criminal case.

If it was determined that the criminal background check would exceed 30 days and any good cause extension, the executive commissioner would make a reasonable effort to transfer an employee to a position that did not require direct patient contract.

The bill takes effect September 1, 2009.