

BILL ANALYSIS

Senate Research Center
77R4879 ATP-D

H.B. 2341
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

Currently, the union leadership of the Harris County Deputies Organization (HCDO) may utilize legislative leave to petition governmental bodies with the permission of the sheriff. However, current legislative leave statutory provisions do not allow employees to donate hours of their vacation or accumulated overtime to HCDO. Therefore, all required hourly reimbursements for approved legislative leave that is utilized by HCDO must be repaid to Harris County in cash. H.B. 2341 allows members of HCDO to voluntarily donate up to two hours of vacation time or accumulated overtime per month to a legislative leave time bank established by the local government.

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 Chapter 158B, Local Government Code, by adding Sections 158.041 and 158.042, as follows:

Sec. 158.041. LEGISLATIVE LEAVE. (a) Provides that this section applies only to a county with a population of 2.8 million or more.

(b) Provides that an employee is entitled to legislative leave without pay to appear before or to petition a governmental body during a regular or special session of that body as provided by this section.

(c) Sets forth eligibility requirements for legislative leave. Prohibits the length of the requested leave from exceeding the length of the session.

(d) Authorizes the sheriff to require an employee to reimburse the county for all costs incurred by the county and associated with the employee's legislative leave under this section. Requires the sheriff to notify the employee in writing of the amount of money required to reimburse the county for the costs the county will incur not later than the 30th day after the date the sheriff receives the application. Authorizes the sheriff to require the employee to post the money before granting the leave.

(e) Requires the sheriff to grant legislative leave to an employee who submits an application as required by this section and who complies with any requirement relating to the reimbursement of costs, with exception.

(f) Authorizes another employee of equal rank, if the sheriff determines that granting a legislative leave will result in an insufficient number of employees to carry out the normal functions of the department, to volunteer to work in the applicant's place on an exchange of time basis if overtime does not result. Requires the sheriff to allow the volunteer to work for the

applicant and to grant the legislative leave if overtime does not result and if the volunteer work will result in having a sufficient number of employees.

(g) Provides that legislative leave is not a break in service for any purpose, including the determination of seniority, promotions, sick leave, vacations, or retirement.

(h) Requires legislative leave granted under this section to an employee to attend a session of the Congress of the United States to be granted for a period not to exceed 30 percent of the applicant's total annual working days during each year in which leave is requested.

Sec. 158.042. LEGISLATIVE LEAVE TIME ACCOUNT. (a) Provides that this section applies only to a county with a population of 2.8 million or more.

(b) Authorizes an employee to donate not more than two hours for each month of accumulated vacation or compensatory time to the legislative leave time account of an employee organization. Requires the sheriff to establish and maintain a legislative leave time account for each employee organization.

(c) Requires the employee to authorize the donation in writing on a form provided by the employee organization and approved by the sheriff. Requires the sheriff, after receiving the signed authorization on an approved form, to transfer donated time to the legislative leave time account monthly until the sheriff receives the employee's written revocation of the authorization.

(d) Authorizes only an employee who is a member of an employee organization to use for legislative leave purposes the time donated to the account of that employee organization. Authorizes an employee to use for legislative leave purposes the time donated under this section instead of reimbursing the county under Section 158.041.

(e) Requires a request to use for legislative leave purposes the time in an employee organization's legislative leave time account to be in writing and submitted to the county by the president or the equivalent officer of the employee organization or by that officer's designee.

(f) Requires the sheriff to account for the time donated to the legislative leave time account and used from the account. Requires the sheriff to debit and credit a legislative leave time account on an hour-for-hour basis regardless of the cash value of the time donated or used.

(g) Prohibits an employee organization from using for legislative leave purposes more than 2,080 hours from its legislative leave time account in a calendar year. Provides that this subsection does not prevent an employee organization from accumulating more than 2,080 hours in the account.

SECTION 2. Effective date: upon passage or September 1, 2001.