

BILL ANALYSIS

Senate Research Center

S.B. 1800
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Veteran Affairs & Military Installations
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As Filed

DIGEST AND PURPOSE

Currently, state agencies and institutions of higher education do not have formalized practices relating to leave for employees who, as members of the state military forces or the reserve component of the armed forces, are called to active duty. As proposed, S.B. 1800 establishes that state employees who are members of the state military forces or the reserve component of the armed forces are entitled to paid leave and certain benefit protections when they are called to active duty.

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 431.005, Government Code, as follows:

- (a) Specifies that certain persons are entitled to paid leave, rather than leave. Specifies that the leave is for not more than 15 work days in a federal fiscal year. Deletes salary from the list of items prohibited from being lost during a leave of absence. Makes a nonsubstantive change.
- (b) Deletes text referring to leaves of absence. Makes a nonsubstantive change.
- (c) No change to this subsection.

SECTION 2. Amends Section 431.0825, Government Code, to entitle a state employee called to active duty as a member of the state military forces, rather than the National Guard, by the governor to receive paid emergency leave without loss of military leave, in accordance with Section 431.005(a), or annual leave.

SECTION 3. Amends Section 659.023, Government Code, to require a state agency to provide employees activated to military services as members of the reserve component a balance of their accrued state compensatory time and accommodate an employee's request to either use the balance prior to the 12 month expiration period, or extend the expiration period.

SECTION 4. Amends Section 661.903, Government Code, to entitle a state employee called to state active duty, rather than active duty, as a member of the state military forces, rather than the Texas National Guard, by the governor because of an emergency to receive a leave of absence without a deduction in salary, if paid by state funds, in accordance with Section 431.0825.

SECTION 5. Amends Section 661.904, Government Code, as follows:

- (a) Specifies that an employee called to active duty under Title 10 and Title 32 of the United States Code is entitled to unpaid leave.
- (b) Provides that the employee does not accrue vacation or sick leave if in an unpaid status, rather than during that time.

(c) Authorizes the employee to retain any accrued vacation or sick leave.

(d) Authorizes the employee to choose to utilize any accrued vacation leave, earned compensatory leave, or federal Fair Labor and Standards Act (FLSA) overtime leave, in whole or in part, to maintain benefits for themselves or their dependents while on military duty described by Subsection (a). Provides that leave earned while in a state paid status is credited to the employee's balance when the employee returns to active state employment.

(e) Authorizes the administrative head of an agency to grant sufficient emergency leave as differential pay to a state employee on unpaid leave whose military gross pay is less than the individual's state gross pay. Prohibits the combination of emergency leave and military pay from exceeding the employee's actual state gross pay.

(f) Authorizes the employee activated for military service to use any combination of paid leave (accrued state compensatory time, FLSA overtime, annual leave, 15 days of military leave, or approved agency differential pay) to continue to accrue Employee Retirement System retirement service credit by receiving a minimum of one hour of state pay during each month of active military service. Provides that state health insurance and premium payment issues as a result of a paid leave and unpaid leave during a calendar month should be reviewed with the employee prior to departure for military service.

[This bill does not contain an effective date, as drafted, and therefore becomes effective on the 91st day after adjournment.]