

BILL ANALYSIS

Senate Research Center
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H.B. 1771
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State employees with severe illnesses or employees who have family members with terminal illnesses often use all of their sick leave and are forced to return to work before they are well or before they should leave their family member. The sick pool used by state employees is not adequate to solve the problem and it is also occasionally abused by employees who improperly use more sick days than they would normally be allotted individually. Currently, there is no process available for an employee to personally donate accumulated sick leave hours to another employee of the same agency.

This bill would allow state employees to donate any amount of their accrued sick leave to another employee of the same agency. However, the receiving employee must first have expended their own sick leave and any sick leave pool amounts that are available to them. This bill prohibits remuneration when either giving or receiving sick leave. Simply put, this is a friendly bill that provides a means for one employee to be able to help another employee in that employee's time of need.

As proposed, H.B. 1771 amends current law relating to the donation of sick leave by state employees.

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 Subchapter G, Chapter 661, Government Code, by adding Section 661.207, as follows:

Sec. 661.207. DONATION OF SICK LEAVE. (a) Authorizes an employee to donate any amount of the employee's accrued sick leave to another employee who:

- (1) is employed in the same state agency as the donor employee; and
- (2) has exhausted the employee's sick leave, including any time the individual may be eligible to withdraw from a sick leave pool.

(b) Prohibits an employee from providing or receiving remuneration or a gift in exchange for a sick leave donation under this section.

(c) Prohibits an employee who receives donated sick leave under this section from using sick leave donated to the employee under this section except as provided by Sections 661.202(d) (relating to when sick leave may be taken) and (e) (relating to sick leave taken to care for other parties), or, notwithstanding any other law, receive service credit in the Employees Retirement System of Texas for any sick leave donated to the employee under this section that is unused on the last day of that employee's employment.

(d) Defines "employee" and "state agency."

SECTION 2. Effective date: September 1, 2015.