

## BILL ANALYSIS

Senate Research Center  
85R3461 CJC-D

S.B. 73  
By: Nelson  
Finance  
3/1/2017  
As Filed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 73 helps ensure that emergency leave is reserved for true emergencies, and that tax payer dollars are spent responsibly. Specifically, it:

- limits the discretion of an agency head to grant emergency leave to employees who they believe in good faith will return to employment following that leave period;
- requires an agency report to the Texas comptroller of public accounts (comptroller) employees who were granted more than 32 hours of emergency leave during the previous fiscal year;
- requires each agency to adopt a policy governing leave for employees and that the policy be prominently posted on the agency's website; and
- instructs the comptroller to adopt a policy to include standardized accounting codes as a part of the centralized accounting and payroll system.

As proposed, S.B. 73 amends current law relating to leave policy and procedures for 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 Chapter 661, Government Code, by adding Subchapter H, as follows:

#### SUBCHAPTER H. STATE AGENCY LEAVE POLICY

Sec. 661.251. DEFINITION. Defines "state agency."

Sec. 661.252. AGENCY POLICY. (a) Requires a state agency to adopt a policy governing leave for employees.

(b) Requires that the policy provide clear and objective guidelines to establish under what circumstances an employee of the agency may be entitled to or granted each type of leave provided by this chapter.

(c) Requires the state agency to post the policy adopted under this section on the agency's website in a location easily accessible by the agency's employees and the public.

SECTION 2. Amends Section 661.902, Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes the administrative head of an agency to determine that a reason other than a reason described by Subsection (a) (relating to a death in the employee's family) is sufficient for granting emergency leave. Requires the administrative head, subject to the provisions of this subsection, to grant an emergency leave to an employee who the

administrative head determines has shown good cause for taking emergency leave. Prohibits the administrative head from granting an emergency leave to an employee unless the administrative head believes in good faith that the employee being granted the emergency leave intends to return to the employee's position with the agency on expiration of the period of emergency leave. Makes nonsubstantive changes.

(c) Requires the administrative head of an agency to report certain information regarding emergency leave to the Texas comptroller of public accounts (comptroller) not later than October 1 of each year.

SECTION 3. Amends Subchapter C, Chapter 2101, Government Code, by adding Section 2101.042, as follows:

Sec. 2101.042. LEAVE REPORTING. (a) Requires the comptroller to adopt a uniform system for use by each state agency to report leave taken by the agency's employees as part of the centralized accounting and payroll system or any successor system used to implement the enterprise resource planning component of the uniform statewide account project developed under Sections 2101.031 (Uniform Statewide Accounting Project), 2101.035 (Administration of USAS), and 2101.036 (State Agency Internal Accounting Systems). Requires the system adopted by the comptroller to include standardized accounting codes for each type of leave authorized under Chapter 661.

(b) Requires each state agency to use the uniform system adopted by the comptroller.

SECTION 4. Makes application of Section 661.902(b), Government Code, as amended by this Act prospective.

SECTION 5. Provides that the first report required under Section 661.902(c), Government Code, as added by this Act, is due October 1, 2017, and must cover the period from September 1, 2016, to August 31, 2017.

SECTION 6. Effective date: September 1, 2017.