

## **BILL ANALYSIS**

C.S.H.B. 1771  
By: Raney  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested observers note that 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 ill family member. The observers believe that the current state employee sick pool does not adequately address these situations. C.S.H.B. 1771 seeks to provide a solution to this problem.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1771 amends the Government Code to authorize an employee of a state agency to donate any amount of the employee's accrued sick leave to another employee who is employed in the same state agency as the donor employee and has exhausted the employee's sick leave, including any time the individual may be eligible to withdraw from a sick leave pool. The bill prohibits an employee from providing or receiving remuneration or a gift in exchange for a sick leave donation. The bill prohibits an employee who receives the donated sick leave from using the leave except as provided by statutory provisions and procedures relating to a state employee's entitlement to sick leave or from receiving service credit in the Employees Retirement System of Texas for any sick leave donated to the employee that is unused on the last day of that employee's employment. The bill defines "state agency," by reference, as an agency in the executive branch of state government created by the constitution or a statute of the state; an institution of higher education; a legislative agency, but not either house or a member of the legislature; or the supreme court, the court of criminal appeals, a court of appeals, or a state judicial agency.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1771 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter G, Chapter 661, Government Code, is amended by adding Section 661.207 to read as follows:

Sec. 661.207. DONATION OF SICK LEAVE. (a) An employee may 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) An employee may not provide or receive remuneration or a gift in exchange for a sick leave donation under this section.

(c) In this section, "employee" and "state agency" have the meanings assigned by Section 661.001.

SECTION 2. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter G, Chapter 661, Government Code, is amended by adding Section 661.207 to read as follows:

Sec. 661.207. DONATION OF SICK LEAVE. (a) An employee may 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) An employee may not provide or receive remuneration or a gift in exchange for a sick leave donation under this section.

(c) An employee who receives donated sick leave under this section may not:

(1) use sick leave donated to the employee under this section except as provided by Sections 661.202(d) and (e); or

(2) 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) In this section, "employee" and "state agency" have the meanings assigned by Section 661.001.

SECTION 2. Same as introduced version.