

- SUBJECT:** Voluntary donation of state employee sick leave time
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 12 ayes — Cook, Giddings, Craddick, Farney, Farrar, Geren, Harless, Huberty, Kuempel, Oliveira, Smithee, Sylvester Turner
- 0 nays
- WITNESSES:** For — Gary Chandler, Texas DPS Officers Association; (*Registered, but did not testify*: David Sinclair, Game Warden Peace Officers Association; Harrison Hiner, Texas State Employees Union; Deborah Ingersoll, Texas State Troopers Association; Lon Craft, Texas Municipal Police Association; Denee Booker; Randall Chapman)
- Against — None
- BACKGROUND:** Government Code, ch. 661 establishes sick leave for state employees. State employees with serious injuries or illnesses or employees who have immediate family members with serious injuries or illnesses may use personal sick leave or time from the sick leave pool.
- State employees may voluntarily transfer accrued sick leave time into a pool for other employees. A state employee may use time from the pool if the employee has used all of the employee's personal sick leave time because of a catastrophic illness or injury or a previous donation to the pool. An employee withdrawing time from the sick leave pool must have approval from the pool administrator and may not withdraw time from the pool except for a catastrophic illness or injury of the employee or a family member. Time withdrawn is limited to the lesser of 90 days or one-third of the total time in the pool.
- DIGEST:** CSHB 1771 would amend Government Code, ch. 661 to allow state employees to donate part or all of their accrued sick leave to another employee within the same state agency.

The receiving employee would have to have exhausted the employee's personal sick leave, including any time the employee was eligible to withdraw from the sick leave pool. An employee could use donated sick leave only for certain purposes.

The employee donating time to the sick leave pool could not receive compensation or any gift in return for the donation.

An employee receiving time from the sick leave pool could not receive service credit in the Employees Retirement System of Texas for any donated sick leave time left unused on that employee's last day of employment.

The bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 1771 would offer a measure of protection to a state employee faced with a serious health condition affecting the employee or a family member. Currently, once an employee exhausts the employee's personal sick time and time from the sick leave pool, the employee must choose to take leave without pay, terminate employment, or return before the employee or family member has fully recovered. CSHB 1771 would protect an employee from having to make this difficult decision.

The bill also would allow donating employees to have more control over who received their sick time. The current sick leave pool is a general pool to which every agency employee may donate without notice of who is receiving their time. CSHB 1771 would allow employees who might not otherwise donate their sick time to donate time to a particular individual without worrying about the time being used improperly.

CSHB 1771 would not open sick leave to abuse. While the bill would not cap an individual's donated sick leave time, management would continue to have authority over the employee, with likely consequences for abuse of sick leave time. Donating employees would not be obligated to donate their time and likely would be aware of co-workers using such time inappropriately.

OPPONENTS
SAY:

CSHB 1771 could contribute to a loss of productivity. Employers typically are sympathetic and flexible with employees who have seriously ill family members, but CSHB 1771 could create an economic burden from employees exhausting leave time they might otherwise not use. Extended sick time can leave agencies short staffed with no resolution for how to cover responsibly for an absent employee.

CSHB 1771 would not adequately safeguard against improper use of individually donated sick leave time. Currently, an employee may use personal sick leave time and withdraw, at most, 90 days from the sick leave pool. CSHB 1771 would not limit the amount of donated time an employee could receive from another employee in the agency.

NOTES:

CSHB 1771 differs from the bill as introduced in that it would prohibit the use of donated sick leave days toward retirement purposes.

The Senate companion bill, SB 1599 by Kolkhorst, was referred to the Senate Business and Commerce Committee on March 23.