

- SUBJECT:** Adjusting compensation, leave policy for certain peace officers
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 9 ayes — Phillips, Nevárez, Burns, Dale, Johnson, Metcalf, Moody, M. White, Wray
- 0 nays
- WITNESSES:** For — David Sinclair, Game Warden Peace Officers Association
(*Registered, but did not testify:* Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Claudia Arredondo, Texas Office of Attorney General; Lon Craft, TMPA; Jeanette Soefje, Les St. James, Joseph Cadwell, Laurent Gauthier, Pete LaFuente, Samantha Lee, Matt Pearce, Blane Rodgers, John Schneemann, Raul Gonzalez, Stormye Jackson, Junius Smith, James Abbott, Everett Adcock, Edwin Broekhuizen, Patricia Griffith, John Keeseey, John Reid, Jaime Sanchez, Erik Cabrera, Steve Ried, Robert Sunley, Ross Behrens, Bruce Koch, John Green, Rustin Haby, Lannes Hilboldt, Jerry Meadors, Cody Smirl, Robert DeRohn, Dave Howell, Dalia Ramos, Brandon Reiser, Javier Gallegos, Robert Hernandez, Clinton Lanfear, Jason Anderson, Ricardo Arredondo, Landrah Polansky, Mike Alvarez, Texas Attorney General’s Peace Officers Association; Wayne Rubio)
- Against — (*Registered, but did not testify:* Landrah Polansky, Texas Attorney General’s Peace Officers Association)
- On — (*Registered, but did not testify:* Katherine Cary, Office of the Attorney General)
- BACKGROUND:** Government Code, sec. 402.009 allows the attorney general to employ and commission peace officers as investigators to assist the attorney general’s office in carrying out its duties relating to prosecution assistance and crime prevention.
- DIGEST:** **Employee classification and pay.** HB 2037 would amend the

Government Code to require that peace officers employed by the attorney general be compensated according to schedule C of the position classification salary schedule prescribed by the general appropriations act. The bill also would define the attorney general's commissioned law enforcement officers as state employees for the purposes of entitling the officers to hazardous duty pay and injury leave for injuries sustained in the course of their duties. This bill would apply only to injuries that occurred on or after the effective date of the bill.

The classification officer in the office of the state auditor would be required to temporarily classify the position of a commissioned peace officer employed as an investigator by the Office of the Attorney General (OAG) as a schedule C position under the 1961 Texas Position Classification Plan. This provision would apply beginning September 1, 2015, and would expire on September 1, 2017.

Legislative leave pool. HB 2037 also would add sections to the Alcoholic Beverage Code, Government Code, and Parks and Wildlife Code to allow peace officers employed by certain state agencies to transfer up to eight hours of compensatory time or annual leave earned per year into a legislative leave pool for each agency.

The Texas Alcoholic Beverage Commission's legislative leave pool would be administered by the commission's administrator or designee, the Office of the Attorney General's pool (under the Government Code) would be administered by the attorney general or designee, and the Parks and Wildlife Department's pool would be administered by the department's director or designee. The bill would require each agency to adopt rules and procedures for the operation of the legislative leave pool.

For an officer donating time to the legislative leave pool, the administrator would credit the pool with the amount of time contributed by an officer, and a corresponding amount of time would be deducted from the officer's earned compensatory time or annual leave as if the officer had used the time for personal purposes. For an officer using time contributed to the pool for a purpose allowed under the bill, the administrator would transfer

time from the pool and credit the time to the peace officer.

Peace officers commissioned by the Attorney General and the Alcoholic Beverage Commission would be allowed to use the time contributed to the legislative leave pool on behalf of a law enforcement association of at least 50 active or retired members governed by a board of directors. The same requirement would apply to a Parks and Wildlife peace officer on behalf of an association of at least 350 members. An officer could use time from the legislative leave pool only with consent of the president or designee of the law enforcement association, would be restricted to using no more than 80 hours in a 160-hour work cycle, and could not draw more than 480 hours from the pool in a fiscal year.

The bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

HB 2037 would fix an inequity in the pay of peace officers employed by the attorney general by paying them the same amount as law enforcement officers employed by other state agencies. Currently, other officers are paid an average of about \$6,000 more per year. The duties of officers employed by the attorney general are critical to many important law enforcement investigations and prosecutions, such as obtaining convictions for child pornography through the Cyber Crimes Unit and identifying more than \$500 million in Medicaid overpayments through the Medicaid Fraud Control Unit. Those officers deserve to receive similar compensation, hazard duty pay, and injury compensation as law enforcement officers from other agencies.

There are currently four state agencies that pay their law enforcement officers according to salary schedule C, including the Department of Public Safety, Texas Department of Criminal Justice, Texas Parks and Wildlife Department, and Texas Alcoholic Beverage Commission. This bill would bring the pay and benefits for law enforcement officers commissioned by the attorney general in line with law enforcement officers from these agencies.

The bill also would give many law enforcement organizations the

opportunity to be represented by their member officers at the Legislature through the creation of legislative leave pools. Under the bill, officers would not have to use their personal time to represent their views before the Legislature. The time would not be misused because an officer would be able to use this time only with the consent of the president of the law enforcement organization and according to the rules of the agency. Internal agency policy likely would limit who could use the legislative leave time, and it would be locally controlled by the agency.

OPPONENTS
SAY:

HB 2037 could lead to misuse of compensatory time and annual leave if officers used their legislative leave pool hours for inappropriate reasons that did not benefit their organizations. The organizations would have to closely monitor whether the hours were actually used for legislative purposes.

OTHER
OPPONENTS
SAY:

HB 2037 would designate an arbitrary maximum number of eight hours that an officer could contribute to the legislative leave pool each year. Some officers would use more legislative leave pool time than others, and some officers have more accrued compensatory and annual leave than others. Each officer should be able to decide how many hours they would like to contribute to the pool.

NOTES:

According to the fiscal note, the Legislative Budget Board estimates the cost of adding employees to the schedule C salary would be about \$4 million in general revenue-related funds, \$1.9 million in federal funds, and \$189,000 in funds for interagency contracts through fiscal 2016-17. The legislative leave pool could be funded through existing resources, according to the fiscal note.

The companion bill, SB 1355 by Hinojosa, was referred to the Senate Criminal Justice Committee on March 18.