

- SUBJECT:** Requiring notice of paid military leave to certain officers and employees
- COMMITTEE:** Defense and Veterans' Affairs — committee substitute recommended
- VOTE:** 7 ayes — S. King, Frank, Aycock, Blanco, Farias, Schaefer, Shaheen
0 nays
- WITNESSES:** For — (*Registered, but did not testify*: Melinda Smith, the Combined Law Enforcement Associations of Texas (CLEAT); Ray Lindner, National Guard Association of Texas; Jim Brennan, Texas Coalition of Veterans Organizations; Harrison Hiner, Texas State Employees Union)

Against — None

On — (*Registered, but did not testify*: Duane Waddill, Texas Military Department)
- BACKGROUND:** Government Code, sec. 437.202 entitles an officer or employee of the state, a municipality, a county, or another political subdivision who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team to a paid leave of absence under certain circumstances for not more than 15 workdays in a fiscal year.

The officer or employee also is entitled to carry forward between fiscal years up to 45 workdays of unused accumulated leave.
- DIGEST:** CSHB 445 would require the state, municipality, county, or other political subdivision to provide written notice of the number of workdays of paid leave that a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to each fiscal year and the number of days that person would be entitled to carry forward each year.

CSHB 445 would require notice to be given when an employee was hired

or as soon as practicable after an officer's appointment or election.

On the request of an employee or officer, the state or a political subdivision would be required to provide a statement with the number of paid leave workdays the employee or officer claimed in that fiscal year. If provided, the statement also would have to include the net balance of unused accumulated leave for that fiscal year to which the officer or employee was entitled and the amount they were entitled to carry forward to the next fiscal year.

The bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 445 would help to address the confusion regarding accumulated paid military leave that is common among employees and officers in the Texas Military forces, reserve components of the armed forces, and search and rescue teams. The bill would provide clarity by requiring that these individuals receive written notice of available paid leave when they are hired and upon request. Many military officers and employees are dissuaded from taking leave because they are unaware of the leave to which they are entitled. CSHB 445 would make the system more transparent and simple.

This bill also would prevent unintentional denial of paid training days because of employer confusion and lack of knowledge about the law. While information about other types of leave, such as sick leave, appears on an employee or officer's pay statement, available military leave is not included on those statements.

The type of data that would be provided in the required notice already is being collected. Because the data is centralized and available, an individual simply has to look it up and notify the affected officers and employees. This would not require any administrative costs or much time from the state or subdivisions required to supply the notice. The number of individuals affected by CSHB 445 would be very small, and it would not require much effort to provide notice of accumulated leave, which could be included with notices already provided.

OPPONENTS SAY: CSHB 445 would not be the best way to address confusion about military leave. An easier way to inform these employees and officers of accumulated leave would be to require the comptroller to change the reporting system to show these numbers on all pay statements.

NOTES: CSHB 445 differs from the bill as filed in that it would change the notice requirement from an annual notice to notice upon initial employment, appointment, or election or upon request by the employee or officer.