

SUBJECT: Requiring vacation leave time accounts for firefighter organizations

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 4 ayes — Alvarado, Bernal, Elkins, J. Johnson

1 nay — Isaac

2 absent — Leach, Zedler

WITNESSES: For — Mike Clements, Texas State Association of Fire Fighters; (*Registered, but did not testify*: David Crow, Arlington Professional Fire Fighters; Rob Gibson, Fort Worth Firefighters Association; Michael Glynn, Fort Worth Firefighters Association - IAFF Local 440; Johnny Villarreal, Houston Fire Fighters Local 341; Aidan Alvarado, David Gonzalez, and Rolando Solis, Laredo Fire Fighters Association; Michael Silva, Mission Fire Fighters Association; Glenn Deshields, Texas State Association of Fire Fighters)

Against — Bill Peacock, Texas Public Policy Foundation; (*Registered, but did not testify*: Brian England, City of Garland)

DIGEST: CSHB 3015 would require municipalities to establish and maintain a vacation leave time account for each firefighter employee organization.

Firefighters could donate accumulated vacation time to the vacation leave time account of their employee organization by authorizing the donation in writing on a form provided by the organization. The bill would allow only firefighters who were members of an employee organization to use donated vacation time from that organization. Firefighters could use the donated vacation time without receiving a reduction in salary and without reimbursing the municipality.

A request to use vacation time would need to be submitted in writing to the municipality by the president, equivalent officer, or the officer's designee of the employee organization at least three days before the date

for which the vacation time was requested. The fire chief or the chief's designee would have to approve vacation time before it could be used. The chief or designee would be required to approve all requests unless the operational needs of the department justified denial of a request.

The municipality would be required to account for all vacation time donated and used from each account and would have to credit and debit the vacation time on an hour-for-hour basis regardless of the cash value of the vacation time donated or used.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

CSHB 3015 would help prevent injured or sick firefighters who run out of sick leave or vacation time from taking unpaid leave, which can have serious financial repercussions. Firefighting includes hazards and unpredictable schedules, and firefighters can run out of sick leave or vacation time due to illness or injury. The bill would allow them to donate time to help sick or injured colleagues by requiring cities to maintain vacation leave time accounts for firefighter employee organizations. Only some cities provide such accounts, and the agreement structure is inconsistent across municipalities. Under the bill, firefighters could donate to and withdraw from these accounts as needed. The accounts would use existing vacation time and not cost municipalities additional funds.

CSHB 3015 would establish sufficient oversight of the accounts because requests for time would be submitted to the municipality and reviewed by the fire chief. Vacation time allocated through the account would go directly to firefighters, rather than unions or firefighter organizations, meaning the bill would not allow for illegal gift giving of public money to a private organization.

**OPPONENTS
SAY:**

CSHB 3015 could allow for the use of vacation leave time accounts for gift giving of public funds for private interests. Because firefighter employee organizations would have control of the accounts, rather than municipalities, the possibility would exist for the private organization to misuse or misappropriate pooled vacation time hours to certain members

of the organization for private use.