

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 174
By: Ratliff
Finance
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Committee Report (Substituted)

DIGEST

Currently, under the Texas Constitution, no bill shall contain more than one subject. The one exception to this rule is the General Appropriations Act, which must contain more than one subject because it aggregates all the subjects on which the state spends money, with the limitation that the general appropriations bill must be strictly limited to the subjects and accounts of money. This bill codifies certain state employment matters currently prescribed by the General Appropriations Act as general law to ensure their constitutional validity.

PURPOSE

As proposed, C.S.S.B. 174 codifies certain state employment matters currently prescribed by the General Appropriations Act.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Comptroller of Public Accounts in SECTION 10 (Section 659.004 and Section 659.006, Chapter 659A, Government Code) and SECTION 12 (Section 659.019(c), Chapter 659B, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 651, Government Code, by adding Section 651.005, as follows:

Sec. 651.005. REDUCTIONS IN FORCE. Authorizes a state governmental entity undergoing a reorganization mandated by statute to institute a reduction in force as a direct result of the reorganization, notwithstanding a rule, personnel handbook, or policy of the entity to the contrary.

SECTION 2. Amends Chapter 654B, Government Code, by adding Section 654.0125, as follows:

Sec. 654.0125. EXEMPTION OF POSITIONS BY GOVERNOR. Prohibits the use of appropriated money to pay the salary of a position exempted from the position classification plan by the governor unless the position meets certain requirements. Prohibits a new position from being created under Section 654.012(8)(A) for the sole purpose of adjusting the salary of an existing position. Requires the governor's exemption of a position to contain a certification that the position meets the requirements. Prohibits the Texas Comptroller of Public Accounts (comptroller) from paying compensation for the position until certain requirements are met. Authorizes an exempted position in the first year of the state fiscal biennium to continue into the second year. Authorizes the salary rate to be adjusted for the second year by a certain rate.

SECTION 3. Amends Section 654.014, Government Code, to authorize any state agency or other state entity subject to this chapter to determine an individual's salary rate within a certain range, at the time the individual is initially employed by the entity in a classified position. Makes a conforming change.

SECTION 4. Amends Chapter 654B, Government Code, by adding Sections 654.0155 and 654.0156, as follows:

Sec. 654.0155. PERIODIC REVIEW OF POSITIONS. Requires each employing state entity subject to this chapter to review individual job assignments within the entity by the beginning of each state fiscal year, and authorizes each employing state entity to perform a monthly review of job assignments. Requires each entity to report to the classification officer the results of the review

and the methods used to comply with this section. Provides that if the classification officer determines the method is inadequate, a classification compliance audit to determine proper classification shall be undertaken.

Sec. 654.0156. RECLASSIFICATION. Authorizes an employing state entity subject to this chapter to reclassify a position to another title in the position classification plan under certain conditions. Establishes the purpose of a reclassification. Provides that a reclassification takes effect at the beginning of a calendar month.

SECTION 5. Amends Chapter 656B, Government Code, by adding Section 656.026, as follows:

Sec. 656.026. JOB NOTICE POSTING WAIVER. Provides that a state agency is not required to comply with this subchapter or Subchapter A's requirements when the agency transfers or reassigns an employee under certain conditions.

SECTION 6. Amends Section 658.005(a), Government Code, to require state agency offices to remain open during the noon hour each working day with at least one person on duty to perform certain basic duties.

SECTION 7. Amends Sections 658.001 and 658.006, Government Code, as follows:

Sec. 658.001. DEFINITIONS. Redefines "state agency."

Sec. 658.006. New heading: STAGGERED WORKING HOURS. Deletes text authorizing normal working hours for state agency employees to be staggered only in the Capitol area in Austin as authorized by the General Appropriations Act for traffic regulation or public safety.

SECTION 8. Amends Chapter 658, Government Code, by adding Sections 658.008, 658.009, and 658.010, as follows:

Sec. 658.008. MEMBERS OF NATIONAL GUARD OR RESERVE. Requires all state agencies to adjust the work schedule of any employee who is a member of the Texas National Guard or the United States Armed Forces Reserve to allow two of the employee's days off work each month to coincide with the two days of military duty to be performed by the employee.

Sec. 658.009. PART-TIME EMPLOYMENT. Authorizes a state agency to fill a regular full-time position with one or more part-time employees under certain conditions.

Sec. 658.010. PLACE WHERE WORK PERFORMED. Requires state agency employees to only conduct agency business, during normal office hours, at the employee's regular or assigned temporary place of employment unless certain conditions are met. Prohibits an employee's residence from being considered the employee's regular or assigned temporary place of employment without certain written authorization.

SECTION 9. Amends Section 659.002, Government Code, by adding Subsection (d), to require the state to withhold money from salaries and wages paid to state officers and employees in accordance with applicable federal law. Requires the state to make any required employer contributions in accordance with applicable federal law. Requires the comptroller to make payments in accordance with this subsection.

SECTION 10. Amends Chapter 659A, Government Code, by adding Sections 659.004, 659.005, 659.006, as follows:

Sec. 659.004. PAYROLL AND PERSONNEL REPORTING. Defines "state agency." Grants rulemaking authority to the comptroller, in consultation with the state auditor, to prescribe uniform payroll and personnel reporting procedures for all state agencies to facilitate certain activities.

Sec. 659.005. WITNESS FEES; JURY SERVICE. Prohibits a deduction from a state employee's salary or wages because the employee is called for jury service. Prohibits a state officer or employee who appears as a witness in an official capacity from accepting or receiving a witness fee for the appearance. Provides that a state officer or employee who appears as a witness in a capacity other than their official capacity is entitled to receive any customary witness

fees for the appearance. Authorizes a state officer or employee who appears as an expert witness in a judicial proceeding or legislative hearing to accept compensation only if the person receives no compensation by the state for the person's time in making the appearance; authorizes a state officer or employee who appears as an expert witness in a judicial proceeding or legislative hearing to receive reimbursement for travel expenses only if not reimbursed by the state. Provides that paid leave is not considered time compensated by the state, for this subsection. Authorizes a state officer or employee to receive certain reimbursements from the state or the judicial body, but not from both.

Sec. 659.006. ADJUSTMENT FOR INACCURATE PAYMENT. Grants rulemaking authority to the comptroller to prescribe procedures for state agencies concerning adjustments for inaccurate payrolls.

SECTION 11. Amends Chapter 659B, Government Code, as follows:

SUBCHAPTER B. New heading: SALARY AMOUNTS; OVERTIME AND COMPENSATORY TIME

SECTION 12. Amends Chapter 659B, Government Code, by adding Sections 659.015, 659.016, 659.017, 659.018, 659.019, 659.020, and 659.021, as follows:

Sec. 659.015. OVERTIME COMPENSATION FOR EMPLOYEES SUBJECT TO FAIR LABOR STANDARDS ACT. Establishes that this section applies only to a state employee who is subject to the overtime provisions of the federal Fair Labor Standards Act of 1938 and who is not an employee of the legislature or of a legislative agency. Provides that an employee is entitled to compensation for overtime as provided by federal law and this section. Provides that federal law controls to the extent this section and federal law prescribe a different rule for the same circumstance. Sets forth the procedure for calculating overtime compensation. Provides that holidays and other paid leave taken during a workweek are not counted as hours worked in the calculation of overtime. Prohibits an employee from accumulating more than 240 hours of overtime credit that may be taken as compensatory leave, except that an employee engaged in certain activities may accumulate greater overtime credit. Requires an employee to be paid at a certain rate for any overtime hours exceeding the overtime credit limit. Defines "overtime credit." Establishes that when an employee does not work more than 40 hours in a workweek, but the number of hours worked plus the number of hours of holiday or other paid leave taken during the workweek exceeds 40 hours, the employee is entitled to take one hour off for each of the excess hours as compensatory time. Establishes that when an employee works 40 hours or more in a workweek and takes holiday or other paid leave during the workweek, and the total number of hours worked still exceeds 40 after subtracting compensable hours, the employee is entitled to compensatory time off at a certain rate. Prohibits an employee from accruing compensatory time under certain circumstances. Requires entitled compensatory time off to be taken within a certain time period. Prohibits an employee from being paid for compensatory time. Authorizes an employee of a higher education institution or engaged in a public safety activity to be paid for compensatory time under certain circumstances. Provides that hospital, fire protection, and law enforcement personnel are governed by the federal Fair Labor Standards Act of 1938.

Sec. 659.016. OVERTIME COMPENSATION FOR EMPLOYEES NOT SUBJECT TO FAIR LABOR STANDARDS ACT; REDUCTIONS IN PAY. Establishes that this section applies only to a state employee who is not subject to the overtime provisions of the federal Fair Labor Standards Act of 1938 and who is not a legislative employee. Authorizes an employee to accrue compensatory time for number of hours worked in a workweek exceeding 40 hours. Authorizes an employee who is exempt as an executive, professional, or administrative employee to take compensatory time off for one year following the workweek exceeding 40 hours at a certain rate. Provides that an employee who is exempt as an executive, professional, or administrative employee is entitled to receive full salary for a week in which the employee works regardless of the number of days and hours worked, and need not be paid for any workweek in which the employee performs no work. Authorizes a salary deduction from an employee who is exempt as an executive, professional, or administrative employee under certain conditions. Establishes that a pay deduction of an executive, professional, or administrative employee due to a budget furlough does not affect the employee's status as a salaried employee, except for the reduction in salary for the workweek in which the furlough occurs. Provides that if a deduction

in an employee's salary violates U.S. Department of Labor regulations, the employee is entitled to an exact reimbursement. Authorizes an employee not subject to the federal Fair Labor Standards Act of 1938 because the employee is a staff member, appointee, or immediate adviser of an elected officeholder to take compensatory time off under the terms and conditions determined by the officeholder. Prohibits an employee covered under this section from being paid for any unused compensatory time.

Sec. 659.017. OVERTIME COMPENSATION FOR LEGISLATIVE EMPLOYEES. Sets forth certain individuals who determine the overtime compensation for certain legislative employees.

Sec. 659.018. COMPENSATORY TIME: PLACE WHERE WORK PERFORMED. Prohibits a state agency employee from accumulating compensatory time off for work performed at any location other than the employee's regular or temporarily assigned workplace, except under certain circumstances. Prohibits an employee's personal residence from being considered the employee's regular or temporarily assigned workplace without prior written authorization from the administrative head of the employing state agency.

Sec. 659.019. PART-TIME AND HOURLY EMPLOYMENT. Requires the salary rate of a part-time or hourly employee to be proportional to the authorized rate for full-time employment in the same classified position or the applicable exempt position. Provides that a part-time employee is subject to Subchapter K and to leave without pay provisions of Section 659.085. Grants rulemaking authority to the comptroller to determine hourly rates of an employee paid on an hourly basis.

Sec. 659.020. SALARY SUPPLEMENTATION. Prohibits certain state agency employees from receiving a salary supplement from any source unless certain circumstances exist.

Sec. 659.021. ADMINISTRATIVE HEAD OF AGENCY. Prohibits certain administrative heads of state agencies from receiving a higher salary than the established salary, even if the administrative head performs certain additional duties, unless the General Appropriations Act specifically provides that a higher salary may be received.

SECTION 13. Amends Section 659.081, Government Code, to require annual salaries for state officers and employees to be paid once a month, except as provided by this subchapter or the General Appropriations Act.

SECTION 14. Amends Section 659.082, Government Code, to provide that an employee is entitled to be paid employment compensation twice a month if the employee's position is classified below salary group 12 under a classification salary schedule in the General Appropriations Act in which salary groups are divided into steps.

SECTION 15. Amends Chapter 659F, Government Code, by adding Section 659.085, as follows:

Sec. 659.085. DETERMINING AMOUNT OF MONTHLY OR HOURLY PAY; PROPORTIONATE REQUIREMENT FOR PART-TIME PAY. Sets forth the procedure for calculating the monthly salary for certain annual employees. Provides the procedure for calculating an employee's equivalent hourly rate in instances of partial payment or other situations. Provides that this subsection applies only to certain full-time employees and to part-time, salaried employees. Establishes that when an employee is on leave without pay, compensation for the pay period will be reduced by a certain amount. Authorizes an agency that may contract with its employees for employment for less than a 12-month period to make equal monthly salary payments under the contract for a certain period.

SECTION 16. Amends Chapter 659, Government Code, by adding Subchapter K, as follows:

SUBCHAPTER K. PROMOTIONS, RECLASSIFICATIONS, AND OTHER ADJUSTMENTS TO SALARY

Sec. 659.251. APPLICABILITY. Establishes that this subchapter applies only to a state employee employed in the executive or judicial branch of state government. Sets forth the

individuals to determine the policies for promotions, demotions, and other salary adjustments for legislative employees.

Sec. 659.252. DEFINITION. Defines “state agency.”

Sec. 659.253. TRANSFER WITHIN AGENCY FROM EXEMPT TO CLASSIFIED POSITION. Provides that a state employee who moves within a state agency from a position exempt from the position classification plan to a classified position will receive an annual salary in the proper salary group not to exceed certain rates.

Sec. 659.254. CLASSIFIED POSITION REALLOCATED OR RECLASSIFIED TO DIFFERENT SALARY GROUP. Establishes that this section applies only to classified positions. Defines “higher salary group” and “lower salary group.” Provides that an employee whose classified position is reallocated by the General Appropriations Act or reclassified under Chapter 654 to a higher salary group will be paid at the minimum salary rate in the higher salary group or at the employee’s previous salary rate, whichever rate is higher except under certain conditions. Provides that an employee whose classified position is reallocated by the General Appropriations Act or reclassified under Chapter 654 to a lower salary group will be paid at the employee’s previous salary rate while not exceeding the maximum rate of the lower salary group.

Sec. 659.255. MERIT RAISES. Establishes that this section applies only to classified positions. Authorizes a state agency administrator to award a merit raise to an employee with a higher than normal or expected job performance. Provides that if an employee’s salary group is divided into steps, a merit increase is an increase to a higher step rate in the same salary group, otherwise a merit increase is an increase to a higher rate within the range of the same salary group. Authorizes the awarding of a merit raise only if certain conditions are met. Requires the comptroller to prescribe accounting and reporting procedures to ensure the availability of information on the state agency’s use of merit salary increases. Establishes that a state agency that awards merit raises should apply merit raises throughout the range of classified groups used by the agency.

Sec. 659.256. PROMOTIONS. Provides that this section only applies to classified positions under the state’s position classification plan. Sets forth provisions regarding a promotion. Requires a promoted employee to be paid at a rate that is at least the equivalent of one step higher, if the employee’s salary group is divided into steps by the General Appropriations Act, or 3.4 percent higher otherwise, than the employee’s prior salary, or the minimum rate of the new salary group, whichever is higher. Authorizes the state agency administrator to set the employee’s annual rate at a higher rate not to exceed the maximum rate of the new salary group.

Sec. 659.257. DEMOTIONS. Provides that this section only applies to classified positions under the state’s position classification plan. Defines a demotion. Requires a demoted employee to be paid at a salary rate that is at least the equivalent of one step lower, if the employee’s salary group is divided into steps by the General Appropriations Act, or 3.4 percent lower otherwise, than the employee’s prior salary, except under certain conditions.

Sec. 659.258. SALARY REDUCTION FOR DISCIPLINARY REASONS. Provides that this section only applies to classified positions under the state’s position classification plan. Authorizes the administrative head of a state agency to reduce an employee’s salary for disciplinary reasons, to a rate not lower than the minimum rate in the employee’s salary group. Authorizes the agency to restore the employee’s salary rate to a rate not to exceed the prior salary rate, with certain limitations, upon the improvement of the employee’s performance.

Sec. 659.259. SALARY LIMITED TO MAXIMUM GROUP RATE. Provides that this section applies only to classified positions under the state’s position classification plan. Prohibits a salary adjustment authorized by this subchapter from resulting in an employee receiving an annual salary that exceeds the maximum rate of the applicable salary group.

Sec. 659.260. TEMPORARY ASSIGNMENT. Provides that this section only applies to classified positions under the state’s position classification plan. Authorizes certain temporary assignments to facilitate a state agency’s work during an emergency or other special circumstances. Prohibits temporary assignments from lasting for more than six months during a 12-month period. Authorizes a state employee temporarily assigned to act as administrative head

of a state agency to receive a salary for a classified position not to exceed a certain amount. Prohibits the state agency from performing certain actions while the employee is temporarily assigned.

Sec. 659.261. SALARY CAP. Prohibits the maximum amount a state agency spends for merit raises and promotions from exceeding a certain amount without written approval of certain authorities. Requires the maximum amount that may be spent for merit raises and promotions to be computed separately for each year of the state fiscal biennium. Provides that merit raises and promotions awarded in the first year of the biennium do not count against the maximum amount for those increases in the second year. Provides that money spent for salary increases counts against the prescribed limitations of this section only under certain conditions. Requires a request with certain information to be submitted to the governing body of the agency, or the head of the agency if there is no governing body, to exceed the prescribed limitation of this section. Requires the comptroller to prescribe accounting and reporting procedures to ensure that the amount spent for merit raises and promotions does not exceed the established limitations of this section.

SECTION 17. Amends Section 661.033(c), Government Code, to prohibit payment under this section from being more than all of the state employee's accumulated vacation leave, and one-half of the state employee's accumulated sick leave or 336 hours of sick leave, whichever is less.

SECTION 18. Amends Section 661.062, Government Code, by amending Subsections (a) and (b) and adding Subsection (f), to provide that certain state employees who resign, are dismissed, or otherwise separate from state employment, rather than for any reason, are entitled to be paid for the accrued balance of vacation time upon separation, if the employee is not rehired within a certain time period. Provides that a separation from state employment includes a separation in which the employee leaves one state agency to begin working for another state agency, if one or more workdays occur between the two employments, and the employee is not rehired within a certain time period. Sets forth the individuals to determine the policies for accrued vacation leave for legislative employees.

SECTION 19. Amends Chapter 661, Government Code, by amending Subchapter F and adding Subchapters G and Z, as follows:

SUBCHAPTER F. New heading: GENERAL PROVISIONS FOR VACATION LEAVE FOR STATE EMPLOYEES

Sec. 661.151. STATE AUDITOR INTERPRETATION. Requires the state auditor to provide a uniform interpretation of this subchapter and Subchapters G and Z. Requires the state auditor to report to the governor and the legislature any state agency or institution of higher education that practices exceptions to those laws.

Sec. 661.152. ENTITLEMENT TO ANNUAL VACATION LEAVE. Entitles a state employee to a vacation in each fiscal year without a salary deduction, except for certain employees. Establishes that the amount of vacation accrues and may be taken in accordance with this subchapter. Provides that a part-time employee accrues vacation leave on a proportionate basis. Provides that the maximum amount of vacation leave a part-time employee may carry forward from one fiscal year to the next is also on a proportionate basis. Provides that an employee accrues vacation leave and may carry forward vacation leave from one fiscal year to the next according to a certain schedule. Establishes that an employee accrues vacation leave beginning on a certain date and ending on a certain date. Entitles an employee to one month's vacation leave for each month of employment with the state beginning on a certain date. Establishes that an employee who is employed during any part of a calendar month accrues vacation leave for the entire calendar month. Prohibits an employee from taking vacation leave until the employee has worked for six continuous months, accruing vacation leave during that period. Establishes that if an employee's state employment anniversary date occurs on the first calendar day of a month, the employee begins to accrue vacation leave at a higher rate on the first calendar date of the appropriate month, otherwise, on the first calendar date of the following month from the anniversary date. Establishes that an employee who begins on the first workday of the month is considered to have begun working on the first calendar of the month for the purposes of vacation leave accrual. Entitles an employee to carry forward from one fiscal year to the next the net balance of unused vacation leave that does not exceed a certain amount. Requires all hours of unused vacation leave that may not be carried forward to be credited to the employee's

sick leave balance on a certain date. Establishes that time during which an employee is excused from work because of a holiday is not charged against an employee's vacation leave. Prohibits an employee who is on paid leave on the first workday of a month from taking vacation leave accrued for that same month until the employee has returned to work. Entitles a person who is rehired by a state agency in a position under which the employee accrues vacation leave within 30 days after the employee's date of separation to reinstatement of the unused balance of the employee's previously accrued vacation leave.

Sec. 661.153. TRANSFER OF VACATION LEAVE BALANCE. Provides that a state employee who transfers directly from one state agency to another is entitled to credit by the previous agency for the unused balance of accumulated vacation leave, under certain conditions.

Sec. 661.154. VACATION LEAVE FOR LEGISLATIVE EMPLOYEES. Sets forth vacation leave procedures for legislative employees.

SUBCHAPTER G. GENERAL PROVISIONS FOR SICK LEAVE FOR STATE EMPLOYEES

Sec. 661.201. APPLICABILITY. Sets forth the individuals to determine the policies for sick leave for legislative employees. Provides that an employee of a higher education institution is eligible to accrue or take paid sick leave only under certain conditions.

Sec. 661.202. ENTITLEMENT TO SICK LEAVE; GENERAL PROVISIONS AND PROCEDURES. Entitles a state employee to sick leave without a salary deduction in accordance with this subchapter. Establishes that an employee accrues sick leave beginning on a certain date and ending on a certain date. Entitles an employee to one month's sick leave at a certain rate for each month of employment with the state beginning on a certain date. Provides that a full-time employee accrues sick leave at a rate of 8 hours for each month of employment. Provides that a part-time employee accrues sick leave on a proportionate basis. Establishes that an employee who is employed during any part of a calendar month accrues sick leave for an entire month. Provides that sick leave accumulates with the unused amount of sick leave carried forward each month. Authorizes an employee to take sick leave under certain conditions. Defines an employee's immediate family. Establishes that an employee's use of sick leave for a member of the employee's family who is not defined as immediate family is limited to the time necessary to provide care and assistance to that individual with a documented medical condition. Requires an employee who is absent from duty due to certain conditions to notify the employee's supervisor at the earliest time. Requires an employee to send to the administrative head of the agency a doctor's certificate showing the cause of illness in order for the employee to be absent for more than three days on sick leave. Authorizes the administrative head of an agency to require a doctor's certificate for sick leave for three or fewer working days. Requires the employee to complete and send for approval a sick leave application without delay upon return to work. Authorizes an administrative head of an agency to allow an exception in the amount of sick leave an employee may take under certain conditions. Requires a statement of all authorized exceptions and reasons for the exceptions to be attached to the state agency's duplicate payroll voucher, for the payroll period affected by the exceptions. Requires a state agency to file a written statement with the state auditor covering policies and procedures for extensions of leave, and make the statement available to all agency employees.

Sec. 661.203. FACULTY AT INSTITUTIONS OF HIGHER EDUCATION. Requires a faculty member of a higher education institution to submit prescribed leave forms for all sick leave requested, even if no classes are missed.

Sec. 661.204. TRANSFER OF SICK LEAVE BALANCE. Entitles a state employee who transfers from one state agency to another to the unused balance of the employee's accumulated sick leave.

Sec. 661.205. RESTORATION OF SICK LEAVE ON REEMPLOYMENT IN CERTAIN CIRCUMSTANCES. Entitles an employee who leaves state employment under a formal reduction in force to have the employee's sick leave balance restored if the employee is rehired within a certain time period. Provides that an employee who leaves state employment for other reasons is entitled to have the employee's sick leave balance restored under certain conditions.

Sec. 661.206. New heading: PARENT-TEACHER CONFERENCE: USE OF SICK LEAVE. Redesignates Section 661.151 as Section 661.206.

SUBCHAPTER Z. MISCELLANEOUS LEAVE PROVISIONS FOR STATE EMPLOYEES

Sec. 661.901. **APPLICABILITY.** Establishes that this subchapter applies only to state employees in the executive or judicial branch of state government. Sets forth the individuals to determine the leave policies for legislative employees. Provides that an employee of a higher education institution is eligible to accrue or take paid leave only under certain conditions.

Sec. 661.902. **EMERGENCY LEAVE.** Establishes that a state employee is entitled to emergency leave without a salary deduction due to a death in the family. Describes a death in the family for this subsection. Sets forth requirements for the agency administrative head regarding emergency leave.

Sec. 661.903. **NATIONAL GUARD EMERGENCY.** Entitles a state employee who is called to active duty as a member of the National Guard to a leave of absence without a salary deduction in accordance with Section 431.0825.

Sec. 661.904. **MILITARY LEAVE DURING NATIONAL EMERGENCY.** Entitles an employee called to active duty during a national emergency to serve in the armed forces reserves to an unpaid leave of absence. Provides that the employee continues to accrue state service credit to determine longevity pay while on military duty, but does not accrue vacation or sick leave. Provides that the employee retains any accrued vacation or sick leave and is entitled to credit with those balances on return to employment.

Sec. 661.905. **VOLUNTEER FIREFIGHTERS.** Entitles a state employee who is a volunteer firefighter to a leave of absence without a salary deduction to attend fire service training. Prohibits a leave of absence without a salary deduction from exceeding five working days in a fiscal year under this subsection. Authorizes a state agency or higher education institution to grant leave without a salary deduction to allow a firefighter to respond to emergency fire situations if the state agency or institution has established such a leave policy.

Sec. 661.906. **FOSTER PARENTS.** Entitles a state employee who is a foster parent to a leave of absence without a salary deduction for certain situations.

Sec. 661.907. **RED CROSS DISASTER SERVICE VOLUNTEER.** Authorizes a state employee who is a certified disaster service volunteer of the American Red Cross or is in training to be such a volunteer to be granted leave not to exceed 10 days each fiscal year to participate in certain services for the American red Cross without a deduction in salary or loss of certain benefits if the leave is taken, upon certain authorizations. Prohibits the number of state employees eligible for leave under this section from exceeding 350 employees. Requires the emergency management division in the governor's office to coordinate and establish the list of eligible employees. Requires the American Red Cross to prepare a report for the Legislative Budget Board by a certain date after making a leave request to the state.

Sec. 661.908. **LEAVE RECORDS; TIME AND ATTENDANCE RECORDS.** Requires certain leave, and time and attendance records from each state employee by the administrative head or governing body of each state agency.

Sec. 661.909. **LEAVE WITHOUT PAY; LEAVE OF ABSENCE.** Authorizes a state agency or higher education institution to grant employees leave without pay. Prohibits a leave from exceeding 12 months. Requires all accumulated paid leave entitlements to be used before going on leave without pay status, except in certain circumstances. Requires sick leave to be used first only if the employee is taking leave for an eligible reason under Subchapter G. Provides that approval of the leave constitutes a guarantee of reemployment at the conclusion of the leave period, subject to fiscal constraints. Authorizes the administrative head of an agency or higher education institution to grant exceptions to the limitations for certain reasons. Provides that a full calendar month during which an employee is on leave without pay is not counted in making certain calculations, except for an employee who returns from military leave without pay. Establishes that an employee does not accrue vacation or sick leave for a full calendar month during which the

employee is on leave without pay. Establishes that a full or partial calendar month during which an employee is on leave without pay does not constitute a break in continuity of employment.

Sec. 661.910. ASSISTANCE DOG TRAINING FOR EMPLOYEES WITH A DISABILITY. Provides that a state employee who is a person with a disability, as defined by Section 121.002, Human Resources Code, is entitled to a leave of absence without a salary deduction in order to attend an assistance dog training program. Prohibits a leave of absence under this section from exceeding 10 working days in a fiscal year.

Sec. 661.911. ADMINISTRATIVE LEAVE WITH PAY. Authorizes an administrative head of an agency to grant administrative leave without a salary deduction as a reward for certain outstanding performance. Prohibits the administrative leave granted under this section from exceeding 32 hours during a fiscal year.

Sec. 661.912. FAMILY AND MEDICAL LEAVE ACT. Entitles a state employee with a certain amount of state service to leave under the federal Family and Medical Leave Act of 1993, to the extent required by federal law. Requires the employee to first use all available vacation and sick leave, except under certain conditions.

Sec. 661.913. PARENTAL LEAVE FOR CERTAIN EMPLOYEES. Entitles a state employee with a certain amount of state service to take a parental leave of absence not to exceed a certain time period. Requires the employee to first use all available paid vacation and sick leave while taking the leave; establishes that the remainder of the leave is unpaid. Establishes that the leave is limited to, and begins on the date of, the birth of a natural child of the employee or the adoption by or foster care placement with the employee of a child younger than three years of age.

Sec. 661.914. VOTING BY STATE EMPLOYEES. Requires a state agency to allow each agency employee sufficient time off to vote in each national, state, or local election, without a salary deduction or accrued leave deduction.

SECTION 20. Amends Section 662.003(b), Government Code, to delete text establishing a state holiday for every statewide election. Makes conforming changes.

SECTION 21. Amends Section 662.004(a), Government Code, to require higher education institutions along with state agencies to have enough employees on duty during a state holiday to conduct public business.

SECTION 22. Amends Section 662.007, Government Code, by adding Subsection (c), to authorize a higher education institution to allow an employee who is required to work on certain holidays to take compensatory time off, or pay the employee for that time under certain conditions.

SECTION 23. Amends Chapter 662A, Government Code, by adding Section 662.0072, as follows:

Sec. 662.0072. TRANSFERRING EMPLOYEE: PAYMENT FOR HOLIDAY. Provides that if a state employee transfers from one state agency to another without a break in service and a state or national holiday occurs between the dates of transfer, the agency to which the employee transfers is responsible for paying the employee for the holiday.

SECTION 24. Amends Section 662.011, Government Code, by amending Subsection (a) and adding Subsection (c), to authorize the governing bodies of certain higher education institutions to establish the holiday schedule for the institution, subject to certain limitations provided by the General Appropriations Act. Establishes that an employee of the institution is eligible to take paid holiday leave only in certain situations.

SECTION 25. Amends Title 6B, Government Code, by adding Chapter 666, as follows:

CHAPTER 666. MULTIPLE EMPLOYMENTS WITH STATE

Sec. 666.001. GENERAL PROVISIONS. Establishes that this chapter applies to a person with multiple employments with state agencies or higher education institutions. Prohibits a state employee with multiple employments with the state from receiving benefits that exceed the benefits

provided for one full-time employee. Requires a person to be informed of this chapter's requirements prior to being employed by more than one state agency or institution.

Sec. 666.002. SEPARATE RECORDS REQUIRED. Requires separate vacation and sick leave records to be maintained for each employment.

Sec. 666.003. TRANSFER OF LEAVE BALANCES PROHIBITED. Prohibits a person's leave balance accrued under one employment from being transferred to any remaining employments upon the employee's separation from one employment.

Sec. 666.004. ACCRUAL OF STATE SERVICE CREDIT. Establishes that the person accrues state service credit as if the person had only one employment for all purposes.

Sec. 666.005. GROUP INSURANCE CONTRIBUTION. Provides that the total state contribution toward the person's group insurance is limited to a certain amount specified in the General Appropriations Act for a full-time active employee.

Sec. 666.006. OVERTIME COMPENSATION. Provides that overtime compensation accrues for each employment independently of other employment, except as provided by Subsection (b). Requires the employing agencies and higher education institutions to ensure the person is compensated for all overtime work, as required by federal law, if the person is subject to the overtime provisions of the federal Fair Labor Standards Act of 1938. Requires the agencies and institutions to cooperate to determine which agency or institution is responsible for that compensation.

Sec. 666.007. INFORMING EMPLOYER ABOUT MULTIPLE EMPLOYMENT. Requires a person to inform the person's employing state agencies or higher education institutions before accepting additional employment with another agency or institution.

Sec. 666.008. SPECIAL PROVISIONS FOR LEGISLATIVE AGENCIES. Authorizes a person, whose multiple employment only involves legislative agencies and all employments are less than full-time, to use paid leave from leave balances in all employments; requires accrued leave balance to be transferred upon the person separating from one employment.

Sec. 666.009. SPECIAL PROVISIONS FOR UNIVERSITY SYSTEMS. Authorizes a university system to establish a policy that defines a person's employment by certain criteria. Authorizes the policy to apply to a person only if the person is employed by multiple higher education institutions and all institutions are within the same university system.

SECTION 26. Sets forth a derivation table for provisions of the General Appropriations Act divided by codified law and source provisions.

SECTION 27. Effective date: September 1, 1999.

SECTION 28. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 12.

Amends Section 659.018, Chapter 659B, Government Code, to prohibit an employee's personal residence from being considered the employee's regular or temporarily assigned workplace without prior written authorization from the administrative head of the employing state agency.

SECTION 19.

Amends Section 661.907, Chapter 661, Government Code, to authorize a volunteer to be granted leave to participate in certain services for the American Red Cross without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or compensatory time if the leave is taken.

Amends Section 661.910, Chapter 661, Government Code, as follows:

Sec. 661.910. New heading: ASSISTANCE DOG TRAINING FOR EMPLOYEES WITH A DISABILITY. Provides that a state employee who is a person with a disability, as defined by Section 121.002, Human Resources Code, rather than a blind state employee, is entitled to a leave of absence without a salary deduction in order to attend an assistance dog training program, rather than a seeing-eye dog training program.

SECTION 26.

Amends SECTION 26 to make a conforming change.