

1 AN ACT

2 relating to leave policy and procedures for state employees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Chapter 661, Government Code, is amended by
5 adding Subchapter H to read as follows:

6 SUBCHAPTER H. STATE AGENCY LEAVE POLICY

7 Sec. 661.251. DEFINITION. In this subchapter, "state
8 agency" has the meaning assigned by Section 661.001.

9 Sec. 661.252. AGENCY POLICY. (a) A state agency shall
10 adopt a policy governing leave for employees under this chapter.

11 (b) The policy must provide clear and objective guidelines
12 to establish under what circumstances an employee of the agency may
13 be entitled to or granted each type of leave provided by this
14 chapter.

15 (c) The state agency shall post the policy adopted under
16 this section on the agency's Internet website in a location easily
17 accessible by the agency's employees and the public.

18 SECTION 2. Section 661.902, Government Code, is amended by
19 amending Subsection (b) and adding Subsection (c) to read as
20 follows:

21 (b) The administrative head of an agency may determine that
22 a reason other than a reason ~~[that]~~ described by Subsection (a) is
23 sufficient for granting emergency leave. Subject to the provisions
24 of this subsection and except as provided by Subsection (c), the

1 administrative head [~~and~~] shall grant an emergency leave to an
2 employee if the employee requests the leave and [~~who~~] the
3 administrative head determines that the employee has shown good
4 cause for taking emergency leave. The administrative head may not
5 grant an emergency leave to an employee under this subsection
6 unless the administrative head believes in good faith that the
7 employee being granted the emergency leave intends to return to the
8 employee's position with the agency on expiration of the period of
9 emergency leave.

10 (c) An employee is not required to request an emergency
11 leave if the administrative head of the employing agency grants the
12 emergency leave under Subsection (b) because the agency is closed
13 due to weather conditions or in observance of a holiday.

14 (d) Not later than October 1 of each year, the
15 administrative head of an agency shall report to the comptroller
16 the name and position of each employee of the agency who was granted
17 more than 32 hours of emergency leave during the previous state
18 fiscal year, the reason for which the employee was granted the
19 emergency leave, and the total number of hours of emergency leave
20 granted to the employee in that state fiscal year.

21 SECTION 3. Subchapter Z, Chapter 661, Government Code, is
22 amended by adding Section 661.923 to read as follows:

23 Sec. 661.923. LEAVE DURING AGENCY INVESTIGATION. (a) The
24 administrative head of an agency may grant leave without a
25 deduction in salary to a state employee who is:

26 (1) the subject of an investigation being conducted by
27 the agency; or

1 (2) a victim of, or witness to, an act or event that is
2 the subject of an investigation being conducted by the agency.

3 (b) A state employee who is the subject of an investigation
4 being conducted by the employing agency is ineligible to receive
5 leave for that reason under any other provision of this subchapter.

6 (c) Not later than the last day of each quarter of a state
7 fiscal year, an agency shall submit a report to the state auditor's
8 office and the Legislative Budget Board that includes the name of
9 each agency employee described by Subsection (a)(1) who has been
10 granted 168 hours or more of leave under this section during that
11 fiscal quarter. The report must include, for each employee, a brief
12 statement as to the reason the employee remains on leave.

13 SECTION 4. Subchapter Z, Chapter 661, Government Code, is
14 amended by adding Section 661.924 to read as follows:

15 Sec. 661.924. MEDICAL AND MENTAL HEALTH CARE LEAVE FOR
16 CERTAIN VETERANS. (a) This section applies to a state employee
17 who is:

18 (1) a veteran, as defined by Section 434.023(a); and

19 (2) eligible for health benefits under a program
20 administered by the Veterans Health Administration of the United
21 States Department of Veterans Affairs.

22 (b) A state employee described by Subsection (a) may be
23 granted leave without a deduction in salary or loss of vacation
24 time, sick leave, earned overtime credit, or state compensatory
25 time to obtain medical or mental health care administered by the
26 Veterans Health Administration of the United States Department of
27 Veterans Affairs, including physical rehabilitation.

1 (c) Except as provided by Subsection (d), leave granted
2 under Subsection (b) may not exceed 15 days each fiscal year.

3 (d) The administrative head of a state agency may annually
4 grant additional days of leave described by Subsection (b) as the
5 administrative head determines appropriate for the employee.

6 SECTION 5. Subchapter C, Chapter 2101, Government Code, is
7 amended by adding Section 2101.042 to read as follows:

8 Sec. 2101.042. LEAVE REPORTING. (a) As part of the
9 centralized accounting and payroll system or any successor system
10 used to implement the enterprise resource planning component of the
11 uniform statewide accounting project developed under Sections
12 2101.031, 2101.035, and 2101.036, the comptroller shall adopt a
13 uniform system for use by each state agency to which Section
14 2101.036 applies under Subsection (d) of that section for the
15 reporting of leave taken by the agency's employees. The system
16 adopted by the comptroller must include standardized accounting
17 codes for each type of leave authorized under Chapter 661.

18 (b) A state agency to which Subsection (a) applies shall use
19 the uniform system adopted by the comptroller under this section.

20 SECTION 6. Section 661.902(b), Government Code, as amended
21 by this Act, and Section 661.923, Government Code, as added by this
22 Act, apply only to a grant of leave made on or after the effective
23 date of this Act. A grant of leave made before the effective date of
24 this Act is governed by the law in effect on the date the leave was
25 granted, and the former law is continued in effect for that purpose.

26 SECTION 7. The first report required under Section
27 661.902(c), Government Code, as added by this Act, is due October 1,

1 2017, and must cover the period from September 1, 2016, to August
2 31, 2017.

3 SECTION 8. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 73 passed the Senate on April 3, 2017, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 26, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 73 passed the House, with amendments, on May 22, 2017, by the following vote: Yeas 146, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor