

1-1 By: Turner, Guillen (Senate Sponsor - Creighton) H.B. No. 2757  
 1-2 (In the Senate - Received from the House May 15, 2017;  
 1-3 May 15, 2017, read first time and referred to Committee on Business  
 1-4 & Commerce; May 21, 2017, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; May 21, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the donation of sick leave by state employees.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. Section 661.002(a), Government Code, is amended  
 1-22 to read as follows:  
 1-23 (a) The governing body of a state agency shall, through the  
 1-24 establishment of a program, allow an agency employee to voluntarily  
 1-25 transfer to a sick leave pool:  
 1-26 (1) sick leave earned by the employee; and  
 1-27 (2) sick leave donated to the employee under Section  
 1-28 661.207.  
 1-29 SECTION 2. Section 661.003(a), Government Code, is amended  
 1-30 to read as follows:  
 1-31 (a) An employee may contribute to the sick leave pool:  
 1-32 (1) one or more days of the employee's accrued sick  
 1-33 leave; and  
 1-34 (2) sick leave donated to the employee under Section  
 1-35 661.207.  
 1-36 SECTION 3. Section 661.207, Government Code, is amended to  
 1-37 read as follows:  
 1-38 Sec. 661.207. DONATION OF SICK LEAVE. (a) An employee may  
 1-39 donate any amount of the employee's accrued sick leave to another  
 1-40 employee who is:  
 1-41 (1) ~~is~~ employed in the same state agency as the donor  
 1-42 employee; and  
 1-43 (2) eligible to receive donated sick leave under  
 1-44 Subsection (b) [has exhausted the employee's sick leave, including  
 1-45 any time the individual may be eligible to withdraw from a sick  
 1-46 leave pool].  
 1-47 (b) An employee is eligible to receive donated sick leave  
 1-48 under this section if:  
 1-49 (1) the employee complies with Subsection (c);  
 1-50 (2) the employee is experiencing a medical emergency  
 1-51 or is caring for a member of the employee's immediate family who is  
 1-52 experiencing a medical emergency; and  
 1-53 (3) as a result of the medical emergency, the employee  
 1-54 has exhausted all paid leave available to the employee, including  
 1-55 any time the employee is eligible to withdraw from a sick leave  
 1-56 pool.  
 1-57 (c) An employee who requests donated sick leave under this  
 1-58 section must provide the employing state agency with a written  
 1-59 statement from the licensed practitioner who is treating the  
 1-60 employee or a member of the employee's immediate family. The  
 1-61 statement must provide sufficient information regarding the

2-1 condition of the employee or the employee's family member to enable  
2-2 the agency to determine whether the employee or the employee's  
2-3 family member is experiencing a medical emergency.

2-4 (d) An employee may not provide or receive remuneration or a  
2-5 gift in exchange for a sick leave donation under this section.

2-6 (e) Notwithstanding any other law, an [~~(c)~~ An] employee  
2-7 who receives donated sick leave under this section may not[+]

2-8 [~~(1) use sick leave donated to the employee under this~~  
2-9 ~~section except as provided by Sections 661.202(d) and (e), or~~

2-10 [~~(2) notwithstanding any other law,~~] receive service  
2-11 credit in the Employees Retirement System of Texas for any sick  
2-12 leave donated to the employee under this section that is unused on  
2-13 the last day of that employee's employment.

2-14 (f) For purposes of this section, a person is a member of an  
2-15 employee's immediate family if the person would be considered a  
2-16 member of the employee's immediate family under Section 661.202(d).

2-17 (g) [~~(d)~~] In this section:

2-18 (1) "Employee" [~~,~~ "employee"] and "state agency" have  
2-19 the meanings assigned by Section 661.001.

2-20 (2) "Medical emergency" means a severe medical  
2-21 condition that:

2-22 (A) affects the mental or physical health of an  
2-23 employee or a member of the employee's immediate family;

2-24 (B) requires treatment by a licensed  
2-25 practitioner; and

2-26 (C) requires the employee's prolonged absence  
2-27 from work.

2-28 SECTION 4. The change in law made by this Act applies only  
2-29 to a donation of sick leave that is made on or after the effective  
2-30 date of this Act. A donation of sick leave made before the  
2-31 effective date of this Act is governed by the law in effect when the  
2-32 sick leave was donated, and the former law is continued in effect  
2-33 for that purpose.

2-34 SECTION 5. This Act takes effect September 1, 2017.

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