

CHAPTER 613

S.B. No. 1140

AN ACT

relating to the authority of counties to create a sick leave pool program for county employees.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 157, Local Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. POOLING OF SICK LEAVE BY COUNTY EMPLOYEES

Sec. 157.071. **DEFINITIONS.** *In this subchapter:*

(1) "Administrator" means the person designated by the commissioners court of a county to administer the county's sick leave pool program.

(2) "Employee" means a district, county, or precinct employee paid from the general fund of the county or from special grants paid through the county.

Sec. 157.072. **AUTHORITY TO ESTABLISH PROGRAM FOR SICK LEAVE POOL.** *The commissioners court of a county may establish a program within the county to allow an employee to voluntarily transfer sick leave time earned by the employee to a county sick leave pool.*

Sec. 157.073. **ADMINISTRATION OF SICK LEAVE POOL PROGRAM.** (a) *The commissioners court may adopt rules and prescribe procedures and forms relating to the operation of the county sick leave pool program.*

(b) *The commissioners court shall designate a person to administer the county sick leave pool program.*

(c) *The commissioners court shall determine which injuries and illnesses are classified as catastrophic for purposes of this subchapter. The court shall provide to the administrator a written statement of that classification.*

Sec. 157.074. **EMPLOYEE CONTRIBUTION TO SICK LEAVE POOL.** (a) *To contribute time to the county sick leave pool, an employee must submit an application to the administrator in the form prescribed by the commissioners court.*

(b) *On approval by the administrator, in a fiscal year the employee may transfer to the county sick leave pool not less than one day or more than three days of accrued sick leave time earned by the employee. The administrator shall credit the pool with the amount of time contributed by the employee and shall deduct the same amount of time from the amount to which the employee is entitled, as if the employee had used the time for personal purposes.*

Sec. 157.075. **EMPLOYEE WITHDRAWAL FROM SICK LEAVE POOL.** (a) *An employee is eligible to use time contributed to the county sick leave pool if, because of a catastrophic injury or illness or because of a previous donation of sick leave time to the pool, the employee has exhausted all the sick leave time to which the employee is otherwise entitled.*

(b) *An eligible employee must apply to the administrator for permission to use time in the county sick leave pool. If the administrator determines that the employee is eligible, the administrator shall approve the transfer of time from the pool to the employee. The administrator shall credit the time to the employee, and the employee may use the time in the same manner as sick leave earned by the employee in the course of employment.*

(c) *An eligible employee may not use time in the county sick leave pool in an amount that exceeds the lesser of one-third of the total amount of time in the pool or 90 days. The administrator shall determine the exact amount that an eligible employee may use.*

(d) *An employee absent on sick leave assigned from the county sick leave pool is treated for all purposes as if the employee were absent on earned sick leave.*

(e) *The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the county sick leave pool.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 19, 1993: Yeas 29, Nays 0; the Senate concurred in House amendment on May 23, 1993, by a viva-voce vote; passed the House, with amendment, on May 21, 1993, by a non-record vote.

Approved June 13, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.