

AN ACT

relating to the entitlement to and claims for benefits for certain first responders and other employees related to illness and injury.

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

SECTION 1. Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 177A to read as follows:

CHAPTER 177A. ILLNESS OR INJURY LEAVE OF ABSENCE FOR FIREFIGHTERS,
POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL OF
POLITICAL SUBDIVISION

Sec. 177A.001. DEFINITIONS. In this chapter:

(1) "Emergency medical services personnel" means a person described by Section 773.003, Health and Safety Code, who is a paid employee of a political subdivision.

(2) "Firefighter" means a firefighter who is a permanent, paid employee of the fire department of a political subdivision. The term includes the chief of the department. The term does not include a volunteer firefighter.

(3) "Police officer" means a paid employee who is full-time, holds an officer license issued under Chapter 1701, Occupations Code, and regularly serves in a professional law enforcement capacity in the police department of a political subdivision. The term includes the chief of the department.

Sec. 177A.002. EFFECT ON LABOR AGREEMENTS. Notwithstanding any other law, including Section 142.067, 142.117, 143.207,

1 143.307, 143.361, 147.004, or 174.005, a collective bargaining,
2 meet and confer, or other similar agreement that provides a benefit
3 for an ill or injured employee must provide a benefit that, at a
4 minimum, complies with this chapter.

5 Sec. 177A.003. LINE OF DUTY ILLNESS OR INJURY LEAVE OF
6 ABSENCE. (a) A political subdivision shall provide to a
7 firefighter, police officer, or emergency medical services
8 personnel a leave of absence for an illness or injury related to the
9 person's line of duty. The leave is with full pay for a period
10 commensurate with the nature of the line of duty illness or injury.
11 If necessary, the political subdivision shall continue the leave
12 for at least one year.

13 (b) At the end of the leave of absence under Subsection (a),
14 the governing body of the political subdivision may extend the
15 leave of absence at full or reduced pay.

16 (c) If the firefighter, police officer, or emergency
17 medical services personnel is temporarily disabled by a line of
18 duty injury or illness and the leave of absence and any extension
19 granted by the governing body has expired, the person may use
20 accumulated sick leave, vacation time, and other accrued benefits
21 before the person is placed on temporary leave.

22 (d) If the leave of absence and any extension granted by the
23 governing body has expired, a firefighter, police officer, or
24 emergency medical services personnel who requires additional leave
25 described by this section shall be placed on temporary leave.

26 Sec. 177A.004. RETURN TO DUTY. (a) If able, a firefighter,
27 police officer, or emergency medical services personnel may return

1 to light duty while recovering from a temporary disability. If
2 medically necessary, the light duty assignment may continue for at
3 least one year.

4 (b) After recovery from a temporary disability, a
5 firefighter, police officer, or emergency medical services
6 personnel shall be reinstated at the same rank and with the same
7 seniority the person had before going on temporary leave. Another
8 firefighter, police officer, or emergency medical services
9 personnel may voluntarily do the work of the injured firefighter,
10 police officer, or emergency medical services personnel until the
11 person returns to duty.

12 SECTION 2. Section 504.051(a), Labor Code, is amended to
13 read as follows:

14 (a) Benefits provided under this chapter shall be offset:

15 (1) to the extent applicable, by any amount for
16 incapacity received as provided by:

17 (A) Chapter 143 or 177A, Local Government Code;
18 or

19 (B) any other statute in effect on June 19, 1975,
20 that provides for the payment for incapacity to work because of
21 injury on the job that is also covered by this chapter; and

22 (2) by any amount paid under Article III, Section 52e,
23 of the Texas Constitution, as added in 1967.

24 SECTION 3. Section 177A.002, Local Government Code, as
25 added by this Act, applies only to a collective bargaining, meet and
26 confer, or other similar agreement entered into on or after the
27 effective date of this Act.

1 SECTION 4. Section 504.051(a), Labor Code, as amended by
2 this Act, applies only to a claim for workers' compensation
3 benefits filed on or after the effective date of this Act. A claim
4 filed before that date is governed by the law as it existed on the
5 date the claim was filed, and the former law is continued in effect
6 for that purpose.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 471 was passed by the House on April 5, 2023, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 471 on May 24, 2023, by the following vote: Yeas 138, Nays 4, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 471 was passed by the Senate, with amendments, on May 19, 2023, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor