

By: West

S.B. No. 2090

A BILL TO BE ENTITLED

AN ACT

relating to prohibited adverse employment action against certain first responders based on post-traumatic stress disorder.

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

SECTION 1. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 786 to read as follows:

CHAPTER 786. PROHIBITED ADVERSE EMPLOYMENT ACTION AGAINST CERTAIN FIRST RESPONDERS

Sec. 786.001. DEFINITIONS. In this chapter:

(1) "First responder" means a public safety employee of a state agency or political subdivision of this state whose duties include responding rapidly to an emergency.

(2) "Post-traumatic stress disorder" has the meaning assigned by Texas Labor Code, 504.019(2).

Sec. 786.002. APPLICABILITY. This chapter applies only to a first responder who is:

(1) a peace officer licensed under Chapter 1701, Occupations Code;

(2) fire protection personnel as defined by Section 419.021, Government Code; or

(3) emergency medical services personnel licensed under Chapter 773.

Sec. 786.003. DISCRIMINATION PROHIBITED. (a) Except as provided by Subsection (b), an employer of a first responder may not

1 suspend, terminate, or take any other adverse employment action,
2 including a demotion in rank or reduction of pay or benefits,
3 against a first responder solely because the employer knows or
4 believes that the first responder has Post-traumatic stress
5 disorder.

6 (b) Notwithstanding Subsection (a), an employer of a first
7 responder who knows or believes that the first responder has
8 Post-traumatic stress disorder may take an appropriate adverse
9 employment action that is necessary to ensure public safety.

10 Sec. 786.004. CLAIM OR DEFENSE BASED ON ADVERSE EMPLOYMENT
11 ACTION; DAMAGES. (a) A person may assert a violation of this chapter
12 as a claim against an employer, including a governmental entity, in
13 a judicial or administrative proceeding or as a defense in a
14 judicial or administrative proceeding.

15 (b) An aggrieved person may seek:

16 (1) compensatory damages;

17 (2) reasonable attorney's fees and court costs; and

18 (3) any other appropriate relief.

19 Sec. 786.005. SOVEREIGN IMMUNITY WAIVED. Sovereign immunity
20 to suit is waived and abolished to the extent of liability created
21 by this chapter.

22 SECTION 2. This Act applies only to a suspension,
23 termination, or other adverse employment action taken by an
24 employer against a first responder on or after the effective date of
25 this Act. A suspension, termination, or other adverse employment
26 action that is taken by an employer against a first responder before
27 the effective date of this Act is governed by the law in effect on

1 the date the employment action is taken, and the former law is
2 continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2023.