

BILL ANALYSIS

C.S.H.B. 1205
By: Keffer, Jim
Economic Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, when asked to respond to an emergency, volunteer firefighters and emergency medical service personnel are not protected from termination or demotion by their employer should they miss work in the process. Volunteer responders feel this is a disincentive to lend their time to the community.

Eight states currently have legislation protecting volunteer firefighters from job termination or demotion including Pennsylvania, Illinois, New Jersey, West Virginia, Ohio, Kentucky, and Washington.

C.S.H.B. 1205 will protect emergency responders from being terminated, demoted or discriminated against should the employee be absent or late to work in order to respond to an emergency prior to the time the employee is to report to his/her place of employment.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subtitle A, Title 2, Labor Code, by adding Chapter 23 as follows:

Section 23.001. States a definition of "emergency," "emergency medical services," "emergency medical services volunteer," "emergency service organization," "employee," "employer," "political subdivision," "volunteer emergency responder," "volunteer fire department" and "volunteer firefighter."

Section 23.002. Establishes that an employer is prohibited from terminating, suspending or discriminating against an employee for performing voluntary emergency response duties. This section also states that an employee who is a volunteer emergency responder can not be absent from employment for more than 14 days in a calendar year unless approved by the employer.

Section 23.003. Provides an exception for small employers. This section also states that an employer may permit an employee to provide services as a volunteer emergency responder and is subject to this chapter.

Section 23.004. Establishes that an employee who is a volunteer emergency responder and who may be tardy or absent from work, make an effort to notify the employer of the emergency. If, however, the employee is unable to alert the employer of his/her tardiness or absence, the employee shall submit written verification upon the employer's request. The written verification shall be signed by the supervisor, or his/her designee, and shall state that the employee responded to an emergency. It will also need to provide the date and time of the specific emergency.

Section 23.005. States the guidelines for reducing compensation to the employee and may require the employee to use existing leave time. This section does not affect an employee's right to wages or leave time under Section 661.905, Government Code.

Section 23.006. Entitles an employee whose employment is suspended or terminated to reinstatement to the employee's former position or a comparable position, compensation for wages lost during suspension or termination, and reinstatement of any fringe benefits or seniority rights lost because of the suspension or termination.

Section 23.007. Provides that an employee may bring civil action against the employer who violates this chapter. This section also states that the civil action must be brought in the county the employee worked in no later than the first anniversary of the date of the violation.

SECTION 2. States that Chapter 23, Labor Code, applies only to a cause of action that accrues on or after the effective date of this Act.

SECTION 3. States the effective date for this Act.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by adding Section 23.002(b), which states that an employee who is a volunteer emergency responder can not be absent from employment for more than 14 days in a calendar year unless approved by the employer.