

BILL ANALYSIS

H.B. 1430
By: Fletcher
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Unless covered by civil service or some form of due process, most public safety employees in Texas currently are subject to the doctrine of at-will employment, meaning the employee can be terminated for any reason. Many cities and counties have established rigid policies regarding the termination of injured employees after a certain period of time, regardless of the circumstances. Under workers' compensation laws, injured employees can be treated for up to two years before a treating physician determines the maximum medical improvement regarding the disability or recovery of the employee. Concerns have been raised that terminating an employee while the employee is still being treated for a work-related injury is unreasonable, especially for peace officers and firefighters who risk their lives daily to protect the public. H.B. 1430 seeks to address these concerns by prohibiting an employer from discharging, indefinitely suspending, or terminating peace officers, firefighters, and certain other public safety employees based on the employee's inability to perform job duties resulting from a work-related injury, before the employee has reached maximum medical improvement.

RULEMAKING AUTHORITY

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

ANALYSIS

H.B. 1430 amends the Government Code to prohibit an employer from discharging, indefinitely suspending, or terminating from employment a peace officer, detention officer, county jailer, or firefighter who sustains a compensable injury under the Texas Workers' Compensation Act based on the person's inability to perform the duties for which the person was elected, appointed, or employed because of the person's injury before the person is certified as having reached maximum medical improvement. The bill makes an employer who violates that prohibition liable for reasonable damages incurred by the peace officer, detention officer, county jailer, or firefighter as a result of the violation and entitles such an employee who is discharged, indefinitely suspended, or terminated from employment in violation of that prohibition to reinstatement in the former position of employment. The bill places the burden of proof in a proceeding under the bill's provisions on the peace officer, detention officer, county jailer, or firefighter.

EFFECTIVE DATE

September 1, 2013.