

BILL ANALYSIS

H.B. 359
By: Moody
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that governmental entities have too great an ability to discharge, terminate, or indefinitely suspend injured public safety employees. H.B. 359 seeks to address these concerns by establishing a restriction on the discharge, suspension, or termination of certain injured peace officers, detention officers, county jailers, and firefighters and by providing remedies for violations of that restriction.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 359 amends the Government Code to prohibit a governmental entity, other than a municipality that has adopted Local Government Code provisions relating to municipal civil service for firefighters and police officers, from discharging, indefinitely suspending, or terminating from employment a peace officer, detention officer, county jailer, or firefighter who sustains a compensable injury and who is appointed or employed by the entity, or elected to serve the entity, 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, unless the report of the doctor designated to perform a medical examination under the Texas Workers' Compensation Act indicates that the person is unable to return to work. The bill makes an employer who violates that prohibition liable for reasonable damages incurred by the person as a result of the violation in an amount capped at \$100,000 and entitles such a person to reinstatement in the person's former position of employment. The bill authorizes a current or former officer, jailer, or firefighter to sue an employer for the applicable damages and reinstatement, places the burden of proof on the officer, jailer, or firefighter in such a proceeding, and waives and abolishes sovereign immunity to suit and from liability to the extent of liability created by the bill.

EFFECTIVE DATE

September 1, 2019.