

BILL ANALYSIS

H.B. 2348
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that a volunteer emergency responder currently lacks assurances that their employer will not penalize them for responding to an emergency. H.B. 2348 seeks to address those concerns by prohibiting an employer from punishing an employee who is absent or late to work under certain circumstances.

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. 2348 amends the Labor Code to prohibit an employer from terminating or suspending the employment of, or in any other manner discriminating against, an employee who is a volunteer emergency responder and is absent from or late to the employee's employment because the employee is responding to an emergency as a volunteer emergency responder. The bill sets the maximum number of absences in a calendar year for such an employee at 14 days unless the absence is approved by the employer.

H.B. 2348 requires the employee to make a reasonable effort to notify an employer that the employee may be absent or late and to submit written verification of participation in an emergency that meets certain requirements, if the employee is unable to notify the employer due to the extreme circumstances of the emergency or inability to contact the employer. The bill authorizes an employer to reduce the wages otherwise owed to the employee for any pay period due to the employee's time off for an authorized absence or to require the employee to use existing vacation leave time, personal leave time, or compensatory leave time for the absence, except as otherwise provided by a collective bargaining agreement. The bill expressly does not affect an employee's right to wages or leave time under statutory provisions relating to leave for volunteer firefighters and emergency medical services volunteers.

H.B. 2348 entitles an employee whose employment is suspended or terminated in violation of the bill's provisions to reinstatement to the employee's former position or a comparable position in terms of conditions of employment, compensation for wages lost during the period of suspension or termination, and reinstatement of any fringe benefits and seniority rights lost because of the suspension or termination. The bill authorizes an employee whose employer violates the bill's provisions to bring a civil action against the employer to enforce rights protected by the bill's provisions and requires such an action to be brought in the county in which the place of employment is located not later than the first anniversary of the date of the violation.

EFFECTIVE DATE

September 1, 2019.