86R154 SMT-D

By:  Oliverson H.B. No. 1349

A BILL TO BE ENTITLED

AN ACT

relating to the reemployment of a Civil Air Patrol member after training or duty with the Civil Air Patrol.

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

SECTION 1.  Subchapter H, Chapter 418, Government Code, is amended by adding Section 418.193 to read as follows:

Sec. 418.193.  REEMPLOYMENT OF CIVIL AIR PATROL MEMBER AFTER TRAINING OR DUTY; DAMAGES. (a) In this section, "employee" and "employer" have the meanings assigned by Section 21.002, Labor Code.

(b)  An employer may not terminate the employment of an employee who is a member of the United States Air Force Auxiliary Civil Air Patrol because the employee is ordered to training or duty by official order of the Civil Air Patrol. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of any benefit of employment during or because of the absence. The employee, as soon as practicable after release from training or duty, must give written or actual notice of intent to return to employment.

(c)  A person who is injured because of a violation of Subsection (b) is entitled to:

(1)  reinstatement to the person's former position or reinstatement of any employment benefit, as applicable;

(2)  damages in an amount equal to three months' compensation at the rate at which the person was compensated when ordered to Civil Air Patrol training or duty; and

(3)  reasonable attorney's fees in an amount approved by the court.

(d)  An action for damages brought by a person under Subsection (c) must be brought not later than the second anniversary of the date on which the person was released from Civil Air Patrol training or duty.

SECTION 2.  The change in law made by this Act applies only to training or duty with the Civil Air Patrol that begins on or after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2019.