

By: Oliverson

H.B. No. 1349

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

24 (2) damages in an amount equal to three months'

1 compensation at the rate at which the person was compensated when
2 ordered to Civil Air Patrol training or duty; and

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

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

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

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