

1-1 By: King of Uvalde, Flynn H.B. No. 2348
 1-2 (Senate Sponsor - Perry, Zaffirini)
 1-3 (In the Senate - Received from the House April 24, 2019;
 1-4 May 8, 2019, read first time and referred to Committee on Natural
 1-5 Resources & Economic Development; May 17, 2019, reported
 1-6 adversely, with favorable Committee Substitute by the following
 1-7 vote: Yeas 11, Nays 0; May 17, 2019, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			

1-21 COMMITTEE SUBSTITUTE FOR H.B. No. 2348 By: Flores

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to the prohibition of certain employment discrimination
 1-25 regarding an employee who is a volunteer emergency responder.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subtitle A, Title 2, Labor Code, is amended by
 1-28 adding Chapter 24 to read as follows:

1-29 CHAPTER 24. EMPLOYMENT DISCRIMINATION REGARDING VOLUNTEER
 1-30 EMERGENCY RESPONDERS

1-31 Sec. 24.001. DEFINITIONS. In this chapter:

1-32 (1) "Declared disaster" means:

1-33 (A) a disaster declared by the president of the
 1-34 United States;

1-35 (B) a state of disaster declared by the governor
 1-36 under Section 418.014, Government Code; or

1-37 (C) a local state of disaster declared by the
 1-38 presiding officer of the governing body of a political subdivision
 1-39 under Section 418.108, Government Code.

1-40 (2) "Emergency medical services" has the meaning
 1-41 assigned by Section 773.003, Health and Safety Code.

1-42 (3) "Emergency medical services volunteer" has the
 1-43 meaning assigned by Section 773.003, Health and Safety Code.

1-44 (4) "Emergency service organization" means any entity
 1-45 established to provide for the public:

1-46 (A) fire prevention and suppression;

1-47 (B) hazardous materials response operations; or

1-48 (C) emergency medical services.

1-49 (5) "Employee" means an individual who is employed by
 1-50 an employer for compensation.

1-51 (6) "Employer" means a person who employs 20 or more
 1-52 employees. The term includes the state or a political subdivision
 1-53 of the state.

1-54 (7) "Political subdivision" means a county,
 1-55 municipality, special district, or authority of this state.

1-56 (8) "Volunteer emergency responder" means an
 1-57 individual who is an active participant in an emergency service
 1-58 organization but who does not receive compensation for the
 1-59 individual's services. The term includes an emergency medical
 1-60 services volunteer and a volunteer firefighter.

1-61 (9) "Volunteer fire department" has the meaning

2-1 assigned by Section 614.101, Government Code.
2-2 (10) "Volunteer firefighter" means an individual who
2-3 is a member of a volunteer fire department.

2-4 Sec. 24.002. DISCRIMINATION PROHIBITED; LIMITATION. (a)
2-5 Except as provided by this chapter, an employer may not terminate or
2-6 suspend the employment of, or in any other manner discriminate
2-7 against, an employee who is a volunteer emergency responder and who
2-8 is absent from or late to the employee's employment because the
2-9 employee is responding to a declared disaster in the employee's
2-10 capacity as a volunteer emergency responder.

2-11 (b) Notwithstanding Subsection (a), an employee who is a
2-12 volunteer emergency responder is not entitled under this chapter to
2-13 be absent from the employee's employment for more than 14 days in a
2-14 calendar year unless the employee's absence is approved by the
2-15 employer.

2-16 Sec. 24.003. NOTICE TO EMPLOYER. An employee who is a
2-17 volunteer emergency responder and who may be absent from or late to
2-18 employment because the employee is responding to a declared
2-19 disaster as a volunteer emergency responder shall make a reasonable
2-20 effort to notify the employer that the employee may be absent or
2-21 late. If the employee is unable to provide the notice due to the
2-22 extreme circumstances of the declared disaster or inability to
2-23 contact the employer, the employee shall submit to the employer, on
2-24 the employer's request, a written verification of participation in
2-25 activities in responding to a declared disaster that:

2-26 (1) is signed by the supervisor, or the designee of the
2-27 supervisor, of the entity for which the affected volunteer
2-28 emergency responder provides services or the applicable emergency
2-29 service organization; and

2-30 (2) states that the volunteer emergency responder
2-31 responded to a declared disaster and provides information regarding
2-32 the declared disaster.

2-33 Sec. 24.004. EFFECT ON EMPLOYEE WAGES; USE OF LEAVE TIME.

2-34 (a) An employer may reduce the wages otherwise owed to the employee
2-35 for any pay period because the employee took time off during that
2-36 pay period for an absence authorized by this chapter.

2-37 (b) In lieu of reducing an employee's wages under Subsection
2-38 (a), an employer may require an employee who is a volunteer
2-39 emergency responder to use existing vacation leave time, personal
2-40 leave time, or compensatory leave time for an absence authorized by
2-41 this chapter, except as otherwise provided by a collective
2-42 bargaining agreement.

2-43 (c) This section does not affect an employee's right to
2-44 wages or leave time under Section 661.905, Government Code.

2-45 Sec. 24.005. LIABILITY; REINSTATEMENT. An employee whose
2-46 employment is suspended or terminated in violation of this chapter
2-47 is entitled to:

2-48 (1) reinstatement to the employee's former position or
2-49 a position that is comparable in terms of compensation, benefits,
2-50 and other conditions of employment;

2-51 (2) compensation for wages lost during the period of
2-52 suspension or termination; and

2-53 (3) reinstatement of any fringe benefits and seniority
2-54 rights lost because of the suspension or termination.

2-55 Sec. 24.006. CIVIL ACTION. (a) An employee whose employer
2-56 violates this chapter may bring a civil action against the employer
2-57 to enforce rights protected by this chapter.

2-58 (b) An action under this section must be brought in the
2-59 county in which the place of employment is located not later than
2-60 the first anniversary of the date of the violation.

2-61 SECTION 2. Chapter 24, Labor Code, as added by this Act,
2-62 applies only to a cause of action that accrues on or after the
2-63 effective date of this Act. A cause of action that accrued before
2-64 the effective date of this Act is governed by the law applicable to
2-65 the cause of action immediately before the effective date of this
2-66 Act, and that law is continued in effect for that purpose.

2-67 SECTION 3. This Act takes effect September 1, 2019.

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