

BILL ANALYSIS

C.S.H.B. 2242
By: Patterson
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that firefighters and police officers who are recovering from an injury or illness are at risk of losing their jobs due to taking leave to recover. C.S.H.B. 2242 seeks to remedy this situation by establishing certain protections for injured or ill firefighters and police officers, including an entitlement to a leave of absence at full pay if the illness or injury is related to the person's line of duty, which must continue for at least one year if necessary and may be extended.

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

C.S.H.B. 2242 amends the Local Government Code to require a county or municipality to provide to a firefighter or police officer a leave of absence for an illness or injury related to the person's line of duty. The bill establishes that such leave is with full pay for a period commensurate with the nature of the line of duty illness or injury and, if necessary, must continue for at least one year. The bill authorizes the governing body of the county or municipality to extend the leave at full or reduced pay at the end of the one-year period. If the leave is not extended or the person's salary is reduced below 60 percent of the person's regular monthly salary and the person is a member of a pension fund, the person may retire on pension until able to return to duty.

C.S.H.B. 2242 establishes that the firefighter or police officer is placed on temporary leave if the year at full pay and any extensions granted by the governing body have expired but that the firefighter or police officer may use accumulated sick leave, vacation time, and other accrued benefits before being placed on temporary leave if pension benefits are not available.

C.S.H.B. 2242 authorizes a firefighter or police officer who is temporarily disabled by an injury or illness that is not related to the person's line of duty to do the following:

- use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave; or
- have another firefighter or police officer volunteer to do the person's work while the person is temporarily disabled by the injury or illness.

C.S.H.B. 2242 authorizes a firefighter or police officer, if able, to return to light duty while recovering from a temporary disability and establishes that the light duty assignment may continue for at least one year, if medically necessary. After recovery from a temporary disability, a firefighter or police officer must be reinstated at the same rank and with the same seniority the person had before going on temporary leave. The bill authorizes another firefighter or police officer to voluntarily do the work of an injured firefighter or police officer until the person returns to duty.

C.S.H.B. 2242 requires a collective bargaining, meet and confer, or other similar agreement that provides a benefit for an ill or injured employee to provide a benefit that, at a minimum, complies with the bill's provisions.

C.S.H.B. 2242 defines "firefighter" as a person who is a permanent, paid employee of the fire department of a county or municipality, including the chief of the department but excluding a volunteer firefighter. The bill defines "police officer" as a paid employee who is sworn, certified, and full-time, and who regularly serves in a professional law enforcement capacity in the police department of a county or municipality, including the chief of the department.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2242 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute replaces the original's prohibition against a collective bargaining, meet and confer, or other similar agreement conflicting with the bill's provisions with a requirement for such an agreement that provides a benefit for an ill or injured employee to provide a benefit that, at a minimum, complies with the bill's provisions.

With respect to a line of duty illness or injury leave of absence, the substitute does not include the authorization that appeared in the original for a firefighter or police officer to use 12 weeks of unpaid leave if the year at full pay and any extensions granted by the governing body of the municipality or county have expired. The substitute specifies instead that the firefighter or police officer is placed on temporary leave in that circumstance.

The substitute replaces the original's requirement for a light duty assignment to continue for at least one year if necessary with an authorization for a light duty assignment to continue for at least one year if medically necessary.