87R16047 SCL-D

By:  Patterson H.B. No. 2242

Substitute the following for H.B. No. 2242:

By:  Stucky C.S.H.B. No. 2242

A BILL TO BE ENTITLED

AN ACT

relating to illness or injury leave of absence for county and municipal firefighters and police officers.

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

SECTION 1.  Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 179 to read as follows:

CHAPTER 179. ILLNESS OR INJURY LEAVE OF ABSENCE FOR COUNTY AND MUNICIPAL FIREFIGHTERS AND POLICE OFFICERS

Sec. 179.001.  DEFINITIONS. In this chapter:

(1)  "Firefighter" means a firefighter who is a permanent, paid employee of the fire department of a county or municipality. The term includes the chief of the department. The term does not include a volunteer firefighter.

(2)  "Police officer" means 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. The term includes the chief of the department.

Sec. 179.002.  EFFECT ON LABOR AGREEMENTS. Notwithstanding any other law, including Section 142.067, 142.117, 143.207, 143.307, 143.361, 147.004, or 174.005, a collective bargaining, meet and confer, or other similar agreement that provides a benefit for an ill or injured employee must provide a benefit that, at a minimum, complies with this chapter.

Sec. 179.003.  LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE. (a) A county or municipality shall 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 leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. If necessary, the leave shall continue for at least one year.

(b)  At the end of the one-year period, the county's or municipality's governing body may extend the line of duty illness or injury leave at full or reduced pay. If the firefighter's or police officer's 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)  If pension benefits are not available to a firefighter or police officer who is temporarily disabled by a line of duty injury or illness and if the year at full pay and any extensions granted by the governing body have expired, the firefighter or police officer may use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave.

(d)  If the year at full pay and any extensions granted by the governing body have expired, the firefighter or police officer is placed on temporary leave.

Sec. 179.004.  OTHER ILLNESS OR INJURY LEAVE OF ABSENCE. 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 may:

(1)  use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave; or

(2)  have another firefighter or police officer volunteer to do the person's work while the person is temporarily disabled by the injury or illness.

Sec. 179.005.  RETURN TO DUTY. (a) If able, a firefighter or police officer may return to light duty while recovering from a temporary disability. If medically necessary, the light duty assignment may continue for at least one year.

(b)  After recovery from a temporary disability, a firefighter or police officer shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave. Another firefighter or police officer may voluntarily do the work of an injured firefighter or police officer until the person returns to duty.

SECTION 2.  Section 179.002, Local Government Code, as added by this Act, applies only to a collective bargaining, meet and confer, or other similar agreement entered into on or after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2021.