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et al.

H.B. No. 2242

A BILL TO BE ENTITLED

AN ACT

relating to illness or injury leave of absence for county and
municipal firefighters, police officers, and emergency medical
services personnel.

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, POLICE OFFICERS, AND EMERGENCY MEDICAL
SERVICES PERSONNEL

Sec. 179.001. DEFINITIONS. In this chapter:

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

(2) "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.

(3) "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,

1 143.307, 143.361, 147.004, or 174.005, a collective bargaining,
2 meet and confer, or other similar agreement that provides a benefit
3 for an ill or injured employee must provide a benefit that, at a
4 minimum, complies with this chapter.

5 Sec. 179.003. LINE OF DUTY ILLNESS OR INJURY LEAVE OF
6 ABSENCE. (a) A county or municipality shall provide to a
7 firefighter, police officer, or emergency medical services
8 personnel a leave of absence for an illness or injury related to the
9 person's line of duty. The leave is with full pay for a period
10 commensurate with the nature of the line of duty illness or injury.
11 If necessary, the leave shall continue for at least one year.

12 (b) At the end of the one-year period, the county's or
13 municipality's governing body may extend the line of duty illness
14 or injury leave at full or reduced pay. If the firefighter's,
15 police officer's, or emergency medical services personnel's leave
16 is not extended or the person's salary is reduced below 60 percent
17 of the person's regular monthly salary and the person is a member of
18 a pension fund, the person may retire on pension until able to
19 return to duty.

20 (c) If pension benefits are not available to a firefighter,
21 police officer, or emergency medical services personnel who is
22 temporarily disabled by a line of duty injury or illness and if the
23 year at full pay and any extensions granted by the governing body
24 have expired, the firefighter, police officer, or emergency medical
25 services personnel may use accumulated sick leave, vacation time,
26 and other accrued benefits before the person is placed on temporary
27 leave.

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

4 Sec. 179.004. OTHER ILLNESS OR INJURY LEAVE OF ABSENCE. A
5 firefighter, police officer, or emergency medical services
6 personnel who is temporarily disabled by an injury or illness that
7 is not related to the person's line of duty may:

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

11 (2) have another firefighter, police officer, or
12 emergency medical services personnel volunteer to do the person's
13 work while the person is temporarily disabled by the injury or
14 illness.

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

20 (b) After recovery from a temporary disability, a
21 firefighter, police officer, or emergency medical services
22 personnel shall be reinstated at the same rank and with the same
23 seniority the person had before going on temporary leave. Another
24 firefighter, police officer, or emergency medical services
25 personnel may voluntarily do the work of an injured firefighter,
26 police officer, or emergency medical services personnel until the
27 person returns to duty.

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

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