

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.

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

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

15       (c) If pension benefits are not available to a firefighter  
16 or police officer who is temporarily disabled by a line of duty  
17 injury or illness and if the year at full pay and any extensions  
18 granted by the governing body have expired, the firefighter or  
19 police officer may use accumulated sick leave, vacation time, and  
20 other accrued benefits before the person is placed on temporary  
21 leave.

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

25       Sec. 179.004. OTHER ILLNESS OR INJURY LEAVE OF ABSENCE. A  
26 firefighter or police officer who is temporarily disabled by an  
27 injury or illness that is not related to the person's line of duty

1 may:

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

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

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

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

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

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