

PUBLIC COMMENTS

HB 2242

HOUSE COMMITTEE ON COUNTY AFFAIRS

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Hearing Date: April 15, 2021 10:30 AM - or upon final adjourn./recess or bill referral if permission granted

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Monty Wynn

Texas Municipal League

Austin, TX

Dear Chairman Coleman,

I am writing on behalf of the Texas Municipal League to express our opposition to H.B. 2242 by Patterson. The bill provides, among other things, that regardless of any contrary provisions of a collective bargaining agreement, meet and confer agreement, or other similar agreement, a city or county shall provide a firefighter or police officer who sustains an illness or injury related to the person's line of duty with a paid leave of absence commensurate with the nature of the line of duty illness or injury, and if necessary, the leave shall continue for at least one year.

City officials across the state recognize that fire fighters and police officers risk life and limb in service to our Texas communities, and that it is only fair and just that they be compensated when they sustain compensable on the job injuries or illnesses. Nonetheless, there already exists a state-regulated insurance program that provides income, medical, death, and burial benefits to city employees, including fire fighters and police officers, who sustain injuries or illnesses in the course of their employment with the city.

The Texas Workers' Compensation Act (the "Act") was enacted in 1913 to provide benefits to employees for work-related injuries and illnesses. All public employers in Texas, including cities, are required to have workers compensation insurance coverage, which can be obtained by either buying commercial coverage, self-insuring, or joining a workers' compensation pool or fund made of other public sector entities. Under the workers' compensation program, cities are required to provide benefits to an employee, or the employee's survivor, as applicable, when the employee sustains an injury or develops an occupational illness or disease within the course and scope of employment. These benefits are provided to employees regardless of fault, and are the exclusive remedy available to employees who have a compensable work-related injury or illness.

The bill's requirement to provide fully paid leave for a period of up to one year is of grave concern as it is an unfunded mandate that will result in significant costs to cities. The bill would require cities to provide a covered police officer or fire fighter with paid leave in addition to any other benefits that the police or fire fighter would be entitled to under the workers' compensation program, city personnel policies, or collective bargaining and meet and confer agreements. Whether to provide enhanced employee benefits that are beyond what is mandated by state law is a decision that should be left to the discretion of city officials.

We appreciate your consideration of these comments. Please do not hesitate to contact me if I can be of any assistance to you.

Sincerely,

Monty Wynn

Texas Municipal League