

BILL ANALYSIS

C.S.H.B. 2927
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

S.B. 22, enacted by the 87th Texas Legislature, established a presumption that a COVID-19 injury or death is work related for first responders. H.B. 2073, also enacted by the 87th Texas Legislature, required political subdivisions to develop a paid quarantine leave policy for first responders who are ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. Witnesses testified during the House Business & Industry Committee's interim hearings that there is confusion over whether the paid quarantine requirement applies to officers who contract COVID-19 and are covered by S.B. 22's presumption. C.S.H.B. 2927 seeks to ensure that state agency public safety employees receive paid quarantine leave and benefits if they are required to quarantine due to either contracting or being exposed to a qualifying disease such as COVID-19.

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. 2927 amends the Government Code to require a state agency that employs public safety employees to develop and implement a paid quarantine leave policy for public safety employees who are ordered to quarantine or isolate. The bill requires the policy to provide that a public safety employee ordered to quarantine or isolate receive the following:

- all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits for the duration of the leave; and
- reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation.

The bill prohibits the agency from reducing a public safety employee's sick leave balance, vacation leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with the agency's adopted policy. For purposes of these provisions, a "public safety employee" means a detention officer, emergency medical technician, firefighter, or peace officer.

C.S.H.B. 2927 defines "detention officer," "emergency medical technician," "firefighter," and "peace officer" as follows:

- "detention officer" means an individual employed by the state to ensure the safekeeping of prisoners and the security of a state penal institution in Texas;

- "emergency medical technician" means an individual who is certified as an emergency medical technician and employed by the state;
- "firefighter" means a paid employee of the state who:
 - holds a position that requires substantial knowledge of firefighting;
 - has met the requirements for certification by the Texas Commission on Fire Protection; and
 - performs fire suppression, fire prevention, fire training, fire safety education, fire maintenance, fire communications, fire medical emergency technology, fire photography, fire administration, or fire arson investigation; and
- "peace officer" means an individual who is classified as such under the Code of Criminal Procedure and who is elected for, employed by, or appointed by the state.

The bill establishes that being "ordered to quarantine or isolate" means any circumstance in which a person is not permitted to continue working due to a written or verbal directive by a health authority or the employee's supervisor ordering the person to refrain from reporting to duty after displaying symptoms of a communicable disease or after being exposed to a communicable disease that is an illness included among those presumed, as provided by state law, to have been contracted in the source and scope of employment for purposes of benefits or compensation.

C.S.H.B. 2927 amends Local Government Code provisions relating to local paid quarantine leave policies for fire fighters, peace officers, detention officers, and emergency medical technicians who are ordered to quarantine or isolate to apply the same definition of "ordered to quarantine or isolate" as is applicable to the state agency quarantine leave policies under the bill. Accordingly, the bill removes language specifying that such a policy applies if the person is ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2927 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions not in the introduced making the same definition of "ordered to quarantine or isolate" that the bill establishes for the state agency quarantine leave policies applicable also to local paid quarantine leave policies for fire fighters, peace officers, detention officers, and emergency medical technicians.