By:  Patterson, et al. (Senate Sponsor - Schwertner) H.B. No. 471

(In the Senate - Received from the House April 5, 2023; April 12, 2023, read first time and referred to Committee on Business & Commerce; May 17, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; May 17, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Schwertner           X

King                 X

Birdwell                       X

Campbell             X

Creighton            X

Johnson              X

Kolkhorst                      X

Menéndez             X

Middleton            X

Nichols              X

Zaffirini            X

COMMITTEE SUBSTITUTE FOR H.B. No. 471 By:  Schwertner

A BILL TO BE ENTITLED

AN ACT

relating to the entitlement to and claims for benefits for certain first responders and other employees related to illness and injury.

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 177A to read as follows:

CHAPTER 177A. ILLNESS OR INJURY LEAVE OF ABSENCE FOR FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL OF POLITICAL SUBDIVISION

Sec. 177A.001.  DEFINITIONS. In this chapter:

(1)  "Emergency medical services personnel" means a person described by Section 773.003, Health and Safety Code, who is a paid employee of a political subdivision.

(2)  "Firefighter" means a firefighter who is a permanent, paid employee of the fire department of a political subdivision. 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 full-time, holds an officer license issued under Chapter 1701, Occupations Code, and regularly serves in a professional law enforcement capacity in the police department of a political subdivision. The term includes the chief of the department.

Sec. 177A.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. 177A.003.  LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE. A political subdivision shall provide to a firefighter, police officer, or emergency medical services personnel 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 political subdivision shall continue the leave for at least one year.

Sec. 177A.004.  RETURN TO DUTY. (a) If able, a firefighter, police officer, or emergency medical services personnel 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, police officer, or emergency medical services personnel shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave, provided that the person can perform the essential functions of the job with or without reasonable accommodation.

SECTION 2.  Section 504.051(a), Labor Code, is amended to read as follows:

(a)  Benefits provided under this chapter shall be offset:

(1)  to the extent applicable, by any amount for incapacity received as provided by:

(A)  Chapter 143 or 177A, Local Government Code; or

(B)  any other statute in effect on June 19, 1975, that provides for the payment for incapacity to work because of injury on the job that is also covered by this chapter; and

(2)  by any amount paid under Article III, Section 52e, of the Texas Constitution, as added in 1967.

SECTION 3.  Section 177A.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 4.  Section 504.051(a), Labor Code, as amended by this Act, applies only to a claim for workers' compensation benefits filed on or after the effective date of this Act. A claim filed before that date is governed by the law as it existed on the date the claim was filed, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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