

BILL ANALYSIS

C.S.H.B. 1609
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Trade, Workforce & Economic Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Volunteer emergency responders, including volunteer firefighters and emergency medical services volunteers, play a vital role in protecting communities across Texas. These individuals respond to fires, medical emergencies, hazardous materials incidents, and natural disasters, often putting themselves in harm's way to help others. These responders may maintain regular, full-time employment outside their volunteer service, which may lead to conflicts when they are required to leave work unexpectedly to respond to a declared disaster. Currently, Texas law does not explicitly prohibit employers from discriminating against volunteer emergency responders who miss work due to their response activities. The bill author has informed the committee that this legal gap has raised concerns among volunteers and emergency service organizations that responders may face job loss, suspension, or other workplace penalties for serving their communities during times of crisis. C.S.H.B. 1609 seeks to establish clear protections against employment discrimination for volunteer emergency responders who are absent or late to work because they are responding to a declared disaster. The bill strengthens Texas' overall emergency response capacity and ensures that those who serve during disasters are not forced to choose between their employment and public service.

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. 1609 amends the Labor Code to prohibit an employer with 20 or more employees, including the state or a political subdivision of the state, from terminating or suspending the employment of, or in any other manner discriminating against, an employee who is absent from or late to employment because the employee is responding to a declared disaster as a volunteer emergency responder. In addition, the bill does the following:

- caps the number of absences in a calendar year for such an employee at 14 days unless approved by the employer;
- requires an employee to make a reasonable effort to notify the employer that the employee may be absent or late and, if the employee is unable to do so, to submit written verification of participation in activities in responding to a declared disaster on an employer's request; and
- requires that such a written verification:

- be signed by the supervisor, or the supervisor's designee, of the entity for which the affected volunteer emergency responder provides services or the applicable emergency service organization; and
- state that the volunteer emergency responder responded to a declared disaster and provide information regarding the declared disaster.

C.S.H.B. 1609 authorizes an employer to take either of the following actions:

- reduce the wages otherwise owed to the employee for any pay period in which the employee took time off for an absence authorized by the bill; or
- require the employee to use existing vacation leave time, personal leave time, or compensatory leave time for such an absence, except as otherwise provided by a collective bargaining agreement.

These bill provisions regarding the effect on employee wages and the use of leave time expressly do not affect an employee's right to wages or leave time under state law regarding leave provisions for employees of a state agency or public institution of higher education who are volunteer firefighters, emergency medical services volunteers, or search and rescue volunteers.

C.S.H.B. 1609 entitles an employee whose employment is suspended or terminated in violation of the bill's provisions to the following remedies:

- reinstatement to the employee's former position or a comparable position in terms of conditions of employment;
- compensation for wages lost during the period of suspension or termination; and
- reinstatement of any fringe benefits and seniority rights lost because of the suspension or termination.

C.S.H.B. 1609 authorizes an employee whose employer violates the bill's provisions to bring a civil action against the employer to enforce rights protected by the bill's provisions. Such an action must be brought in the county in which the place of employment is located not later than the first anniversary of the date of the violation.

C.S.H.B. 1609 defines the following terms for purposes of the bill's provisions:

- "declared disaster" as a disaster declared by the president of the United States, a state of disaster declared by the governor under applicable Government Code provisions, or a local state of disaster declared by the presiding officer of the governing body of a political subdivision under applicable Government Code provisions;
- "emergency medical services" and "emergency medical services volunteer" by references to statutory provisions relating to such services;
- "emergency service organization" as any entity established to provide fire prevention and suppression, hazardous materials response operations, or emergency medical services for the public;
- "employee" as an individual who is employed by an employer for compensation;
- "employer" as a person who employs 20 or more employees, including the state or a political subdivision of the state;
- "political subdivision" as a county, municipality, special district, or authority of this state;
- "volunteer emergency responder" as an individual who is an active participant in an emergency service organization but who does not receive compensation for the individual's services, including an emergency medical services volunteer and a volunteer firefighter;
- "volunteer fire department" by reference to statutory provisions relating to the rural volunteer fire assistance program; and
- "volunteer firefighter" as an individual who is a member of a volunteer fire department.

C.S.H.B. 1609 applies only to a cause of action that accrues on or after the bill's effective date. A cause of action that accrued before the bill's effective date is governed by the law applicable

to the cause of action immediately before that date, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1609 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 omits a provision from introduced that defined "emergency" as an emergency declared by the president, the governor, a county judge, or a mayor.

The substitute includes a provision absent from the introduced defining "declared disaster" as a disaster declared by the president of the United States, a state of disaster declared by the governor, or a local state of disaster declared by the presiding officer of the governing body of a political subdivision. Accordingly, the substitute replaces references to the terms "emergency" and "emergency activity," as in the introduced, with the terms "declared disaster" and "activities in responding to a declared disaster," as applicable.