

By: VanDeaver

H.B. No. 1609

Substitute the following for H.B. No. 1609:

By: Button

C.S.H.B. No. 1609

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain employment discrimination  
regarding an employee who is a volunteer emergency responder.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 2, Labor Code, is amended by  
adding Chapter 24 to read as follows:

CHAPTER 24. EMPLOYMENT DISCRIMINATION REGARDING VOLUNTEER  
EMERGENCY RESPONDERS

Sec. 24.001. DEFINITIONS. In this chapter:

(1) "Declared disaster" means:

(A) a disaster declared by the president of the  
United States;

(B) a state of disaster declared by the governor  
under Section 418.014, Government Code; or

(C) a local state of disaster declared by the  
presiding officer of the governing body of a political subdivision  
under Section 418.108, Government Code.

(2) "Emergency medical services" has the meaning  
assigned by Section 773.003, Health and Safety Code.

(3) "Emergency medical services volunteer" has the  
meaning assigned by Section 773.003, Health and Safety Code.

(4) "Emergency service organization" means any entity  
established to provide for the public:

(A) fire prevention and suppression;

1                   (B) hazardous materials response operations; or

2                   (C) emergency medical services.

3                   (5) "Employee" means an individual who is employed by  
4 an employer for compensation.

5                   (6) "Employer" means a person who employs 20 or more  
6 employees. The term includes the state or a political subdivision  
7 of the state.

8                   (7) "Political subdivision" means a county,  
9 municipality, special district, or authority of this state.

10                   (8) "Volunteer emergency responder" means an  
11 individual who is an active participant in an emergency service  
12 organization but who does not receive compensation for the  
13 individual's services. The term includes an emergency medical  
14 services volunteer and a volunteer firefighter.

15                   (9) "Volunteer fire department" has the meaning  
16 assigned by Section 614.101, Government Code.

17                   (10) "Volunteer firefighter" means an individual who  
18 is a member of a volunteer fire department.

19                   Sec. 24.002. DISCRIMINATION PROHIBITED; LIMITATION. (a)  
20 Except as provided by this chapter, an employer may not terminate or  
21 suspend the employment of, or in any other manner discriminate  
22 against, an employee who is a volunteer emergency responder and who  
23 is absent from or late to the employee's employment because the  
24 employee is responding to a declared disaster in the employee's  
25 capacity as a volunteer emergency responder.

26                   (b) Notwithstanding Subsection (a), an employee who is a  
27 volunteer emergency responder is not entitled under this chapter to

1 be absent from the employee's employment for more than 14 days in a  
2 calendar year unless the employee's absence is approved by the  
3 employer.

4 Sec. 24.003. NOTICE TO EMPLOYER. An employee who is a  
5 volunteer emergency responder and who may be absent from or late to  
6 employment because the employee is responding to a declared  
7 disaster as a volunteer emergency responder shall make a reasonable  
8 effort to notify the employer that the employee may be absent or  
9 late. If the employee is unable to provide the notice due to the  
10 extreme circumstances of the declared disaster or inability to  
11 contact the employer, the employee shall submit to the employer, on  
12 the employer's request, a written verification of participation in  
13 activities in responding to a declared disaster that:

14 (1) is signed by the supervisor, or the designee of the  
15 supervisor, of the entity for which the affected volunteer  
16 emergency responder provides services or the applicable emergency  
17 service organization; and

18 (2) states that the volunteer emergency responder  
19 responded to a declared disaster and provides information regarding  
20 the declared disaster.

21 Sec. 24.004. EFFECT ON EMPLOYEE WAGES; USE OF LEAVE TIME.

22 (a) An employer may reduce the wages otherwise owed to the employee  
23 for any pay period because the employee took time off during that  
24 pay period for an absence authorized by this chapter.

25 (b) In lieu of reducing an employee's wages under Subsection  
26 (a), an employer may require an employee who is a volunteer  
27 emergency responder to use existing vacation leave time, personal

1 leave time, or compensatory leave time for an absence authorized by  
2 this chapter, except as otherwise provided by a collective  
3 bargaining agreement.

4 (c) This section does not affect an employee's right to  
5 wages or leave time under Section 661.905, Government Code.

6 Sec. 24.005. LIABILITY; REINSTATEMENT. An employee whose  
7 employment is suspended or terminated in violation of this chapter  
8 is entitled to:

9 (1) reinstatement to the employee's former position or  
10 a position that is comparable in terms of compensation, benefits,  
11 and other conditions of employment;

12 (2) compensation for wages lost during the period of  
13 suspension or termination; and

14 (3) reinstatement of any fringe benefits and seniority  
15 rights lost because of the suspension or termination.

16 Sec. 24.006. CIVIL ACTION. (a) An employee whose employer  
17 violates this chapter may bring a civil action against the employer  
18 to enforce rights protected by this chapter.

19 (b) An action under this section must be brought in the  
20 county in which the place of employment is located not later than  
21 the first anniversary of the date of the violation.

22 SECTION 2. Chapter 24, Labor Code, as added by this Act,  
23 applies only to a cause of action that accrues on or after the  
24 effective date of this Act. A cause of action that accrued before  
25 the effective date of this Act is governed by the law applicable to  
26 the cause of action immediately before the effective date of this  
27 Act, and that law is continued in effect for that purpose.

1           SECTION 3.   This Act takes effect September 1, 2025.