

## **BILL ANALYSIS**

H.B. 1620  
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Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that volunteer firefighters provide an abundance of crucial fire services in Texas. Oftentimes, these men and women are the first line of defense for many communities across Texas. Unfortunately, during state-declared emergencies, volunteer firefighters in the immediately affected areas are often torn between the desire to fight for their community and the fear of losing their job due to the extended absence required to serve. As a consequence, surrounding communities can bear a heavier volunteer burden, resulting in a ripple effect of both labor force and volunteer shortages. H.B. 1620 seeks to help alleviate the concern that a volunteer firefighter could lose a job because of absences due to a state-declared emergency.

### **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**

H.B. 1620 amends the Labor Code to prohibit an employer of 50 or more employees, including the state or a political subdivision, from terminating or suspending the employment of, or in any other manner discriminating against, an employee who is a volunteer emergency responder and who is absent from or late to the employee's employment because the employee is responding to an emergency in the employee's capacity as a volunteer emergency responder. The bill establishes that such an employee is not entitled to be absent from the employee's employment for more than 14 days in a calendar year unless the employee's absence is approved by the employer.

H.B. 1620 requires an employee who is a volunteer emergency responder and who may be absent from or late to employment because the employee is responding to an emergency as a volunteer emergency responder to make a reasonable effort to notify the employer that the employee may be absent or late. The bill sets out provisions requiring the employee to submit written verification, on the employer's request, if the employee is unable to notify the employer.

H.B. 1620 authorizes the employer to reduce the wages otherwise owed to the employee for any pay period because the employee took time off during that pay period for an authorized absence and authorizes the employer, in lieu of reducing the wages, to require the employee to use existing vacation leave time, personal leave time, or compensatory leave time for an authorized absence, except as otherwise provided by a collective bargaining agreement. The bill establishes that these provisions do not affect an employee's right to wages or leave time under Government

Code provisions regarding leave for the response to an emergency by and training of volunteer firefighters and emergency medical services volunteers.

H.B. 1620 authorizes an employee whose employer violates the bill's provisions to bring an applicable civil action against the employer and requires the action to 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. The bill entitles an employee whose employment is suspended or terminated due to such an employer violation to reinstatement to the employee's former position or a position that is comparable in terms of compensation, benefits, and other 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.

**EFFECTIVE DATE**

September 1, 2015.