

## **BILL ANALYSIS**

H.B. 786  
By: VanDeaver  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties are concerned that an employee who is a volunteer emergency responder currently lacks assurance that the employee will not be penalized by an employer for being absent from or late to work because the employee is responding to an emergency as a volunteer emergency responder. H.B. 786 seeks to prevent such employment discrimination by prohibiting certain employers from taking adverse action against such an employee and by providing such an employee with certain means of recourse if the prohibition is violated.

### **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. 786 amends the Labor Code to prohibit a person who employs 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 a volunteer emergency responder and who is absent from or late to the employee's employment because the employee is responding in the employee's capacity as a volunteer emergency responder to an emergency declared by the president, the governor, a county judge, or a mayor. The bill clarifies 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 absence is employer approved.

H.B. 786 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 a declared emergency to make a reasonable effort to notify the employer and, if the employee is unable to provide notice due to the extreme circumstances of the emergency or inability to contact the employer, to submit to the employer on request specified written verification of participation in an emergency activity.

H.B. 786 authorizes an 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 absence authorized by the bill or, in lieu of reducing wages, to require an employee who is a volunteer emergency responder 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. The bill expressly provides that these authorizations do not affect an employee's right to wages or leave time under state law as a volunteer firefighter or emergency medical services volunteer.

H.B. 786 entitles an employee whose employment is suspended or terminated in violation of the bill's provisions to reinstatement to the employee's former position or a comparable position in terms of compensation, benefits, and other conditions of employment; to compensation for wages lost during the period of suspension or termination; and to reinstatement of any fringe benefits and seniority rights lost because of the suspension or termination. The bill 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 and requires such an 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.

**EFFECTIVE DATE**

September 1, 2017.