

SUBJECT: Prohibiting employment actions against volunteer emergency responders

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 4 ayes — Oliveira, Simmons, Fletcher, Romero

3 nays — Collier, Rinaldi, Villalba

WITNESSES: For — Bill Gardner, State Firefighters and Fire Marshals' Association;
(*Registered, but did not testify*: Howard Katz, Harris County ESD No. 46;
John Carlton, Texas State Association of Fire and Emergency Districts)

Against — None

DIGEST: HB 1620 would prohibit certain employers from terminating or suspending the employment of, or in any other manner discriminating against, certain employees. The bill would apply to employees who missed work due to service as a volunteer emergency responder (including emergency medical services volunteers and volunteer firefighters) during an emergency declared by the governor or the president. The bill would apply only to employers that employed 50 or more employees.

Volunteers could not be absent from work for more than 14 days in a calendar year, unless the absence was approved by the employer. An employer could reduce an employee's wages that otherwise were owed to the employee for an absence during the pay period that the employee was absent from work due to volunteering in an emergency. In lieu of reducing the employee's wages, the employer could require the employee to use existing leave time during the absence, except as otherwise provided by a collective bargaining agreement.

The bill would entitle an employee who was wrongfully terminated or suspended under this bill to reinstatement of the employee's former or comparable position, compensation for lost wages during the period of suspension or termination, and reinstatement of any fringe benefits or seniority rights lost because of the termination or suspension. An

employee could file a civil lawsuit against the employer to enforce his or her rights in the county where the place of employment was located within one year of the date of the violation.

The employee would be required to make a reasonable effort to notify the employer of tardiness or absences due to responding to an emergency. If the employee was unable to notify the employer due to the extreme circumstances of the emergency, the employee would be required to submit a written verification of participation in an emergency activity at the request of the employer.

The bill would take effect September 1, 2015, and would apply to a cause of action that accrued on or after that date.

**SUPPORTERS
SAY:**

HB 1620 would provide job security to volunteer emergency responders, who are trained and provide valuable service to Texas communities. It is difficult to recruit and retain new volunteer responders, in no small part because volunteers are afraid they will lose their paying jobs if they miss work. This is especially so during declared emergencies when volunteers may need to miss multiple days of work at one time. Some volunteers have returned to work during an ongoing emergency because of this fear. This bill would ensure that when disaster struck, Texans would have the necessary resources available and willing to respond.

The bill would limit the impact to businesses by applying only to emergencies declared by the governor or the president. There have been 13 major emergency proclamations made by the governor within the past five years. The bill also would limit the amount of protected time an employee could take from work.

**OPPONENTS
SAY:**

HB 1620 is not necessary because volunteer emergency responders are not being fired or suspended for missing work because they volunteer during emergencies. The bill also inappropriately would come between private businesses and their employees by prohibiting employers from taking certain actions against their employees. It would be better to allow employers to decide which absences should be excused or tolerated.