

- SUBJECT:** Prohibiting adverse employment action against certain first responders
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 12 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter, P. King, Metcalf, Raymond, Shaheen, Slawson, Smithee
- 0 nays
- 1 absent — Lucio
- WITNESSES:** For — Charley Wilkison, Combined Law Enforcement Associations of Texas; Curtis Bell, Texas State Association of Fire Fighters; (*Registered, but did not testify*: Joel Romo, Austin EMS Association & Association of Texas EMS Professionals; Chris Jones, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Matthew Lovitt, National Alliance on Mental Illness Texas; Jimmy Rodriguez, San Antonio Police Officers Association; John Wilkerson and Dallas Reed, Texas Municipal Police Association; Glenn Deshields, Texas State Association of Fire Fighters; Frederick Frazier, Texas State Fraternal Order of Police & Dallas Police Association)
- Against — (*Registered, but did not testify*: Clifford Sparks, City of Dallas; Jeff Branick, Jefferson County)
- On — (*Registered, but did not testify*: Tom Maddox, Sheriffs Association of Texas)
- BACKGROUND:** Some suggest current law provides insufficient protection for first responders who disclose a mental illness to their supervisors, which could lead to adverse employment actions.
- DIGEST:** HB 2002 would prohibit the employer of a first responders, defined by the bill to mean licensed peace officers, licensed emergency medical services personnel, and professional fire protection personnel, from suspending, terminating, or taking any other adverse employment action against a first

responder solely because the employer knew or believed that the first responder had a mental illness unless such action was necessary to ensure public safety.

A person could assert a violation of the bill's provisions as a claim against an employer, including a governmental entity, in a judicial or administrative proceeding or as a defense in such a proceeding. An aggrieved person could seek compensatory damages, reasonable attorney's fees, court costs, and any other appropriate relief. Sovereign immunity to suit would be waived to the extent of liability created by the bill.

The bill would take effect September 1, 2021, and would apply only to a suspension, termination, or other adverse employment action taken by an employer against a first responder on or after that date.