

SUBJECT: Requiring paid quarantine leave for some first responders

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 7 ayes — Coleman, Stucky, Anderson, Lopez, Spiller, Stephenson, J. Turner

1 nay — Cason

1 absent — Longoria

WITNESSES: For — Daniel Buford, Bryan Firefighters Association; Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); John Wilkerson, Texas Municipal Police Association (*Registered, but did not testify*: Noel Johnson, JPCA; Carlos Lopez and Jama Pantel, Justices of the Peace and Constables Association of Texas; Jack Todd, Lubbock Professional Fire Fighters Association; Glenn Deshields, Texas State Association of Fire Fighters; Mario A. Martinez, Texas State Troopers Association)

Against — (*Registered, but did not testify*: Clifford Sparks, City of Dallas; TJ Patterson, City of Fort Worth)

On — Adam Haynes, Conference of Urban Counties; Russell Schaffner, Tarrant County; John Carlton, Texas State Association of Fire and Emergency Districts

DIGEST: HB 2073 would require that peace officers, emergency medical technicians, and professional firefighters be placed on paid leave by the political subdivision that employs them if they are ordered by a supervisor or health authority to quarantine or isolate due to a possible or known on-duty exposure to a communicable disease.

Political subdivisions would be required to provide to such first responders placed on quarantine leave all employee benefits and compensation and any costs specifically related to the quarantine,

including lodging, medical, and transportation costs.

Political subdivisions could not reduce a paid leave balance, including sick leave, vacation time, or holidays, for such first responders in connection with quarantine leave ordered by their supervisors or a health authority.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS
SAY:**

HB 2073 would provide a consistent standard for how counties and cities should deal with first responders ordered to quarantine due to on-duty exposure to COVID-19 or other contagious diseases and would prevent first responders from being forced to bear burdensome costs incurred while doing their jobs under circumstances outside their control.

When the COVID-19 pandemic began, many departments proactively assumed the burden of providing paid leave specifically for firefighters, peace officers, and EMTs who were potentially exposed to the virus, but some did not. In some cases, departments refused to pay hotel bills for first responders who had to isolate themselves. Some first responders were forced to use regular sick leave or even vacation time during quarantine, and some completely exhausted their sick leave. While some federal funds are available through the Family and Medical Leave Act to reimburse workers for time off due to COVID-19 quarantine, these are limited, and some departments have opted not to use them. In some cases, local firefighter and police associations stepped in to cover costs, but this should be the responsibility of the local government that employs first responders.

By requiring paid leave specifically for quarantine, the bill would ensure that no firefighter, peace officer, or EMT faced an unexpected financial burden in addition to the other physical and psychological stresses of continuing to perform their duties during an outbreak of disease. First responders should never have to weigh personal finances as a factor in

whether or not to report possible exposure to communicable disease.

Most departments, including multiple Emergency Special District fire departments, already are handling the costs associated with the bill's requirements without significant difficulty. HB 2073 would ensure that all departments and local governments similarly did the right thing.

The bill's use of the term "communicable disease" would be neither too vague nor too broad, as the term is defined elsewhere in statute, and the bill is intended to address not only COVID-19 but any communicable disease severe enough to warrant a quarantine order.

A specific trigger at the state level for quarantine leave to go into effect is unnecessary because the bill clearly makes the specific quarantine order by a supervisor or health authority the trigger for paid leave. Due to this specific trigger, the bill would not automatically extend worker's compensation benefits to any employee exposed to a disease. Instead, it would provide needed support to first responders who were ordered to quarantine but were not eligible for worker's compensation because they had not contracted the disease.

HB 2073 would not attempt to mandate quarantine policies for local authorities, nor would it set a standard for determining whether or not exposure occurred on duty or limitations on the amount of quarantine leave given, as those are decisions that should be made by the relevant employers and health authorities. The bill simply would ensure that if a decision were made to order a first responder to quarantine due to on-duty exposure, their employer assumed the costs of that decision, including paid leave for the duration of the quarantine. Employees who decided to quarantine without having been ordered to do so would not be covered by the bill's provisions.

CRITICS
SAY:

HB 2073 would impose an unspecified, unfunded mandate on local government, including on emergency services districts, which have caps on their revenue.

Although the COVID-19 pandemic is clearly the motivating event for this bill, the bill's language of "communicable disease" would be too broad and open to interpretation, potentially allowing application of the bill's provisions in cases of less serious diseases such as seasonal flu. Workers who contract COVID-19 already are eligible for worker's compensation, so the bill's provisions would not be necessary in that circumstance. The bill also would not set a limit on the amount of paid quarantine leave that could be granted, which could lead to extensive costs for local governments.

Also, it is difficult to determine with certainty whether exposure to a communicable disease occurred while a first responder was on duty. Local governments and departments are best suited to make decisions about whether and how much paid leave should be granted based on their own collective bargaining agreements with first responders.

**OTHER
CRITICS
SAY:**

While the goal of this bill is laudable, it would be improved by including a more clearly identified statewide trigger for when paid quarantine leave went into effect.