

SUBJECT: Prohibiting certain discharges, suspensions, and employment terminations

COMMITTEE: Business & Industry — favorable, without amendment

VOTE: 9 ayes — Longoria, Vasut, Cole, Frazier, J. González, Hinojosa, Isaac, Lambert, Neave Criado

0 nays

WITNESSES: For — Chris Jones, Combined Law Enforcement Associations of Texas (*Registered, but did not testify*: Thomas Villarreal, Austin Police Association; Christopher Irwin, Austin Police Association PAC; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Robin Foster, Harris County Deputies' Organization FOP #39; Ray Hunt, HPOU; Aidan Alvarado, Laredo Firefighters Association; Glenn Deshields, Texas State Association of Firefighters; John Wilkerson, TMPA; and 8 individuals)

Against — (*Registered, but did not testify*: Skylor Hearn, Sheriffs Association of Texas)

On — Robert Stokes, TMLIRP (*Registered, but did not testify*: Allen Craddock, Texas Department of Insurance, Division of Workers' Compensation)

BACKGROUND: Concerns have been raised that peace officers, jailers, and firefighters who have been injured in the line of duty may not be allowed enough time to recover and may be prematurely terminated from employment.

DIGEST: HB 2316 would prohibit an employer from discharging, indefinitely suspending, or terminating a peace officer, detention officer, county jailer, or firefighter based on the person's inability to perform their duties due to a compensable injury before the person was certified as having reached maximum medical improvement, unless the person was permanently restricted from returning to the person's duties. The bill would require that the permanent restriction be indicated by the report of the person's

treating doctor under the Worker's Compensation Act.

An employer who violated the bill's prohibition would be liable for reasonable damages up to \$100,000. A person discharged, suspended, or terminated in violation of the bill's prohibition would be entitled to reinstatement. Under the bill, sovereign immunity for the employer would be waived, and a current or former peace officer, detention officer, county jailer, or firefighter could sue an employer for damages or reinstatement. The burden of proof in such a proceeding would be on the employee.

The bill would take effect September 1, 2023, and would apply only to an employment action on or after that date.