

Allowing volunteer firefighters and EMS personnel to miss work in disaster

HB 2348 by T. King (Perry)

Digest

HB 2348 would have prohibited an employer from suspending or terminating an employee who was late to or absent from work because the employee was responding to a declared disaster as a volunteer firefighter or emergency medical services volunteer. The bill would have applied to employers with 20 or more employees and in circumstances where the president, the governor, or the presiding officer of a political subdivision's governing body had declared a disaster.

A volunteer could not have been absent from work for more than 14 days in a calendar year unless approved by the employer. An employee would have been required to make a reasonable effort to notify the employer of an absence or delayed arrival to work. If the employee was unable to notify the employer due to extreme circumstances of the declared disaster, the employee would have been required to submit a written verification of participation in the declared disaster.

The bill would have allowed an employer to reduce the wages otherwise owed to the employee for an authorized absence. In lieu of reducing wages, the employer could have required an employee to use existing leave time, except as otherwise provided by a collective bargaining agreement. An employee whose rights under this bill were violated by employer could have brought a civil action to seek reinstatement and compensation for lost wages and fringe benefits.

Governor's reason for veto

"First responders play a vital role in disaster recovery, so I appreciate the good intentions of the author. But this does not mean we need to create a new civil cause of action so that employees who volunteer in disasters can sue their employers. House Bill 2348 would open the door to such lawsuits against both public and private employers. Employers have every incentive to accommodate their

brave employees who serve as first responders, but they deserve the flexibility to develop their own leave policies for their employees, instead of having the State dictate the terms."

Response

Neither **Rep. Ryan Guillen**, the bill's author, nor Sen. **Juan "Chuy" Hinojosa**, the Senate sponsor, had a comment on the veto.

Notes

The HRO analysis of [HB 2348](#) appeared in Part Three of the April 23 *Daily Floor Report*.