

# Prohibiting employer job discrimination against volunteer emergency responders

HB 1205 by Keffer (Eltife)

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**DIGEST:** HB 1205 would have prevented certain employers from firing, suspending, or otherwise discriminating against an employee who missed all or part of a work day while responding to an emergency as a volunteer emergency responder. The total amount of absences could not have exceeded 14 days in a calendar year without employer approval. An employer could have either reduced the employee's wages for missed time or required the employee to use specified leave time. The bill would have provided recourse for an employee whose employment was suspended or terminated while responding to an emergency, allowing the employee to file a civil action and entitling the employee to compensation of lost wages and reinstatement of benefits, seniority status, and the same or a similar job.

**GOVERNOR'S  
REASON FOR  
VETO:**

"House Bill No. 1205 would mandate that private employers give volunteer emergency responders time off from work without being terminated or suspended if the employee is responding to a disaster declared by the governor or president that includes a fire, hazardous materials spill, medical emergency, or other situation that poses an imminent threat of loss of life.

"Private employers should be allowed to continue to develop their own employment leave policies free of more government mandates. Further, this bill allows for a new civil cause-of-action to be created, thereby unnecessarily increasing litigation in the state. I remain steadfast in my opposition to creating opportunities for litigation."

**RESPONSE:**

Rep. Jim Keffer, the bill's author, said: "The people of Texas depend on volunteer emergency responders during a crisis, whether it be a car accident, a boat rescue, a wildfire, or a hurricane. However, volunteers may be less willing to lend their time if they fear losing their jobs.

"The intent of HB 1205 was to protect volunteer emergency responders who are called to duty and place their lives at risk everyday in order to protect others.

"While I felt that I worked effectively with Gov. Perry and accepted two amendments brought to me by his office, I am disappointed in his veto."

Sen. Kevin Eltife, the Senate sponsor, said he concurred with Rep. Keffer's comments.

**NOTES:**

HB 1205 was analyzed in Part Two of the May 8 *Daily Floor Report*.