

BILL ANALYSIS

Senate Research Center

H.B. 2242
By: Patterson et al. (Creighton)
Local Government
5/21/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised that firefighters and police officers who are recovering from an injury or illness are at risk of losing their jobs due to taking leave to recover.

H.B. 2242 seeks to remedy this situation by establishing certain protections for injured or ill firefighters and police officers, including an entitlement to a leave of absence at full pay if the illness or injury is related to the person's line of duty, which must continue for at least one year if necessary and may be extended.

H.B. 2242 amends current law relating to illness or injury leave of absence for county and municipal firefighters, police officers, and emergency medical services personnel.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 5, Local Government Code, by adding Chapter 179, as follows:

CHAPTER 179. ILLNESS OR INJURY LEAVE OF ABSENCE FOR COUNTY AND MUNICIPAL FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL

Sec. 179.001. DEFINITIONS. Defines "emergency medical services personnel," "firefighter," and "police officer."

Sec. 179.002. EFFECT ON LABOR AGREEMENTS. Requires that a collective bargaining, meet and confer, or other similar agreement that provides a benefit for an ill or injured employee, notwithstanding any other law, including Section 142.067 (Agreement Supersedes Conflicting Provisions), 142.117 (Agreement Supersedes Conflicting Provisions), 143.207 (Agreement Supersedes Conflicting Provisions), 143.307 (Agreement Supersedes Conflicting Provisions), 143.361 (Agreement Supersedes Conflicting Provisions), 147.004 (General Provisions Relating to Agreements, Recognition, and Strikes), or 174.005 (Preemption of Other Law), provide a benefit that, at a minimum, complies with this chapter.

Sec. 179.003. LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE. (a) Requires a county or municipality to provide to a firefighter, police officer, or emergency medical services personnel a leave of absence for an illness or injury related to the person's line of duty. Provides that the leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. Requires that the leave, if necessary, continue for at least one year.

(b) Authorizes the county's or municipality's governing body, at the end of the one-year period, to extend the line of duty illness or injury leave at full or reduced

pay. Authorizes the firefighter, police officer, or emergency medical services personnel, if the firefighter's, police officer's, or emergency medical services personnel's leave is not extended or the person's salary is reduced below 60 percent of the person's regular monthly salary and the person is a member of a pension fund, to retire on pension until able to return to duty.

(c) Authorizes the firefighter, police officer, or emergency medical services personnel, if pension benefits are not available to a firefighter, police officer, or emergency medical services personnel who is temporarily disabled by a line of duty injury or illness and if the year at full pay and any extensions granted by the governing body have expired, to use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave.

(d) Provides that if the year at full pay and any extensions granted by the governing body have expired, the firefighter, police officer, or emergency medical services personnel is placed on temporary leave.

Sec. 179.004. OTHER ILLNESS OR INJURY LEAVE OF ABSENCE. Authorizes a firefighter, police officer, or emergency medical services personnel who is temporarily disabled by an injury or illness that is not related to the person's line of duty to use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave or to have another firefighter, police officer, or emergency medical services personnel volunteer to do the person's work while the person is temporarily disabled by the injury or illness.

Sec. 179.005. RETURN TO DUTY. (a) Authorizes a firefighter, police officer, or emergency medical services personnel, if able, to return to light duty while recovering from a temporary disability. Authorizes the light duty assignment, if medically necessary, to continue for at least one year.

(b) Requires a firefighter, police officer, or emergency medical services personnel, after recovery from a temporary disability, to be reinstated at the same rank and with the same seniority the person had before going on temporary leave. Authorizes another firefighter, police officer, or emergency medical services personnel to voluntarily do the work of an injured firefighter, police officer, or emergency medical services personnel until the person returns to duty.

SECTION 2. Provides that Section 179.002, Local Government Code, as added by this Act, applies only to a collective bargaining, meet and confer, or other similar agreement entered into on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2021.