

- SUBJECT:** Allowing volunteer firefighters and EMS to miss work in a disaster
- COMMITTEE:** Business and Industry — favorable, without amendment
- VOTE:** 8 ayes — Martinez Fischer, Darby, Beckley, Collier, Landgraf, Moody, Patterson, Shine
- 0 nays
- 1 absent — Parker
- WITNESSES:** For — Chris Barron, State Firefighters and Fire Marshals Association; (*Registered, but did not testify:* John Carlton, Texas State Association of Fire and Emergency Districts; Nate Walker, Travis County Fire Rescue)
- Against — (*Registered, but did not testify:* James Hines, Texas Association of Business)
- DIGEST:** HB 2348 would prohibit an employer from suspending or terminating an employee who was late to or absent from work because the employee was responding to an emergency as a volunteer firefighter or emergency medical services volunteer.
- The bill would apply only to employers with 20 or more employees and only in circumstances where the president, the governor, a county judge, or a mayor had declared an emergency.
- The bill would entitle a volunteer to be absent from work for up to 14 days in a calendar year before requiring approval from an employer. An employee would be required to make a reasonable effort to notify the employer of an absence or delayed arrival to work. If the employer was unreachable or the employee could not notify the employer due to the extreme circumstances of an emergency, the employee afterward could submit a written verification of participation in an emergency activity.
- An employer would be authorized to reduce the wages otherwise owed to

the employee for an absence authorized under the bill. In lieu of reducing wages, the employer also could require the employee to use existing leave time, except as otherwise provided by a collective bargaining agreement.

The bill would not affect existing law allowing volunteer firefighters or medical services volunteers who were state employees to take up to five paid leave days per year for training conducted by a state institution.

The bill would allow an employee whose rights under this bill were violated by an employer to bring a civil action seeking reinstatement and compensation for lost wages and fringe benefits.

The bill would take effect September 1, 2019, and would apply only to a cause of action that accrued on or after the effective date.