

TMCCP Presents

Legislative Update Seminar

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HANDOUT FOR

“Personnel & Human Resources”

with speaker Gunnar Seaquist

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TEXAS MUNICIPAL CLERKS CERTIFICATION PROGRAM

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City-Related Bills Passed - Personnel Matters
85th Texas Legislature



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**H.B. 451 (Moody/Creighton) –
 Workers' Compensation**

- Waives governmental immunity for claims against a public employer, including a city, that discriminates or retaliates against a first responder who has filed a workers' compensation claim, and caps money damages at \$100,000 for each person's claim and \$300,000 for each single occurrence of a violation. (Effective September 1, 2017.)
 - Does not waive official or individual immunity

**H.B. 451 (Moody/Creighton) –
 Workers' Compensation**

- "First Responder" means:
 - Public Safety employee or volunteer whose duties include responding rapidly to an emergency
 - Peace officers
 - Fire protection personnel
 - Arson investigators
 - Aircraft rescue/fire protection personnel
 - Non-administrative
 - EMT

**H.B. 1983 (Wray/Whitmire) –
Workers' Compensation**

- Makes post-traumatic stress disorder suffered by a first responder a compensable workers' compensation eligible injury if:
 - (1) the disorder is caused by an event occurring in the course and scope of the first responder's employment; and
 - (2) the preponderance of the evidence indicates that the event was a substantial contributing factor to the disorder. (Effective September 1, 2017.)

**H.B. 1983 (Wray/Whitmire) –
Workers' Compensation**

- A mental or emotional injury that arises principally from a legitimate personnel action, including a transfer, promotion, demotion or termination is not a compensable injury.

**H.B. 2082 (Burrows/Perry) –
Workers' Compensation**

- Requires:
 - (1) the Office of Injured Employee Counsel (office) to designate an employee to act as a first responder liaison to assist injured first responders during a workers' compensation administrative dispute resolution process; and
 - (2) an employer that employs first responders or supervises volunteer first responders to notify first responders of the liaison described in (1) in the manner prescribed by the office. (Effective September 1, 2017.)

**H.B. 2082 (Burrows/Perry) –
Workers' Compensation**

- The liason will assist injured first responder and, if applicable the ombudsman assigned to the responder's case during administrative dispute resolution process.

**H.B. 2119 (Kacal/West) –
Death Benefits**

- Provides that eligibility for lifetime death benefits for the remarried spouse of a first responder killed in the line of duty applies regardless of the date on which the death of the first responder occurred. (Effective September 1, 2017.)
- Suffered death in the course and scope of employment or while providing services as a volunteer.

**H.B. 2486 (Stucky/Menendez) –
Military Service**

- Employee of the state, a city, a county, or another political subdivision with at least five full-time employees
- Member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team
- who is ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty. (Effective immediately.)

H.B. 2619 (Giddings/Hughes) – Peace Officer Grant Programs

- Provides that the criminal justice division of the governor’s office shall establish and administer:
 - (1) a grant program through which a law enforcement agency may apply for a grant to implement programs, practices, and services designed to address the direct or indirect emotional harm suffered by peace officers in the course of duty or as the result of the commission of crimes by other persons; and
 - (2) a grant program to assist law enforcement agencies in providing critical incident stress debriefing to peace officers who experience critical incidents while performing official duties. (Effective September 1, 2017.)

H.B. 2619 (Giddings/Hughes) – Peace Officer Grant Programs

- Funds may be used for:
 - Mental health counseling or other health care
 - Personnel costs incurred as a result of providing services
 - Skills training for personnel related to providing direct services under an implement program, practice, or service
 - Evaluation of a program, practice, or service to determine effectiveness

H.B. 3042 (Meyer/Huffines) – Fallen Law Enforcement Officer Day

- Provides that July 7 is Fallen Law Enforcement Officer Day in recognition of the ultimate sacrifice made by Texas law enforcement officers killed in the line of duty and the day shall be regularly observed by appropriate ceremonies. (Effective Immediately.)

**H.B. 3391 (Geren/Birdwell) –
Public Safety Employees**

- Allows the commissioners court of a county to establish a public safety employee's treatment court program for public safety employees charged with any misdemeanor or felony. (Effective September 1, 2017.)

**H.B. 3391 (Geren/Birdwell) –
Public Safety Employees**

- Peace Officer, Firefighter, Detention Officer, County Jailer, or EMT
- Some Essential characteristics:
 - Integration of services in case processing
 - Use of non-adversarial approach
 - Access to a continuum of rehabilitative services
 - Ongoing monitoring and judicial interaction
- Successful completion can result in dismissal of offense, if in the interest of justice

**H.B. 3391 (Geren/Birdwell) –
Public Safety Employees**

- Prosecutor must consent; and Defendant may choose
- Court must find that the Defendant
 - Suffers from brain injury, mental illness, or mental disorder, including PTSD that:
 - Occurred during or resulted from duties as public safety employee; and affected the criminal conduct at issue in the case; or
 - Participation is likely to achieve the objective of public safety through rehabilitation of the employee.
 - (Deterrence and Rehabilitation)

**S.B. 877 (Hancock/Oliveira) –
Workers' Compensation**

- Provides that a political subdivision that self-insures, either individually or collectively, is liable for attorney's fees under the Workers' Compensation Act and governmental immunity is waived for that purpose. (Effective September 1, 2017.)

**S.B. 877 (Hancock/Oliveira) –
Workers' Compensation**

- Applies only to third-party liability claim in which political subdivision is or becomes liable to pay damages for an injury or death that is compensable under worker's comp.
- If self-insured, immunity is waived for fees to recover third-party liability.

**First Special Session –
City-Related Bills Filed**

1S.B. 94 (Hughes) – Labor Organizations/Payroll Deductions:

- Would:
 - (1) prohibit the state or a political subdivision of the state from deducting or withholding from an employee’s salary or wages payment of dues or membership fees to a labor organization or other similar entity, including a trade union, labor union, employees’ association, or professional organization; and
 - (2) except from the prohibition in (1) certain fire, police, and emergency medical services personnel.
(Companion bill is 1H.B. 156 by Isaac.)

1H.B. 156 (Isaac) – Labor Organizations/Payroll Deductions

- Would:
 - (1) prohibit the state or a political subdivision of the state from deducting or withholding from an employee’s salary or wages payment of dues or membership fees to a labor organization or other similar entity, including a trade union, labor union, employees’ association, or professional organization; and
 - (2) except from the prohibition in (1) certain fire, police, and emergency medical services personnel. (Companion bill is 1S.B. 7 by Hughes)
 - Passed out of the senate, died in the house.

1H.B. 133 (Reynolds) – Minimum Wage

- Would provide that the minimum wage is not less than the greater of \$15.00 an hour or federal minimum wage under the Fair Labor Standard Act.
- Died in Business and Industry Committee

1H.B. 211 (Reynolds) – Officer-Involved Injuries or Deaths

- Would:
 - (1) disqualify an attorney from prosecuting a peace officer with respect to any offense arising out of an officer-involved injury or death, if the officer is employed by a political subdivision that is also served by the attorney;
 - (2) require a local law enforcement agency employing the peace officer involved in an officer-involved injury or death to report the incident as soon as practicable to the attorney general; and
 - (3) require the attorney general to appoint a special prosecutor to perform the duties of a prosecuting attorney in the case.

1H.B. 211 (Reynolds) – Officer-Involved Injuries or Deaths

- Serious Bodily Injury or Death
- As soon as practicable, Law Enforcement Agency reports to Attorney General
- Appoints prosecutor
 - Must be a duly-elected prosecutor from neighboring county, but the prosecutors from neighboring counties can decline
 - If all decline, Attorney General may appoint any special prosecutor not otherwise disqualified.

1S.J.R. 11 (Estes) – Labor Organizations

- Would amend the Texas Constitution to prohibit state or local funds from being used for the administration of a labor organization, including the collection of dues or fees.

**1H.B. 104 (S. Thompson) –
Discrimination in Payment of Compensation**

- Would provide that:
 - (1) with respect to an allegation of discrimination in payment of compensation, an unlawful employment practice occurs each time:
 - (a) a discriminatory compensation decision or other practice is adopted;
 - (b) an individual becomes subject to a discriminatory decision or other practice; or
 - (c) an individual is adversely affected by application of a discriminatory compensation decision or other practice, including each time wages affected wholly or partly by the decision or other practice are paid; and
 - (2) a person aggrieved by an unlawful employment practice may recover back pay if the unlawful employment practices that have occurred during the period for filing a complaint are similar or related to discrimination in payment of compensation that occurred outside the period for filing that complaint.

**1H.B. 105 (S. Thompson) –
Minimum Wage**

- Provides for an incremental increase in minimum wage to \$10.10 an hour.
- Also died in Business and Industry Committee.
