

## CHAPTER 755

H.B. No. 937

## AN ACT

relating to a prohibition of certain discrimination regarding an employee who participates in an emergency evacuation.

*Be it enacted by the Legislature of the State of Texas:*

## SECTION 1. DEFINITIONS. In this Act:

(1) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency action, or energy emergency.

(2) "Employee" means an individual who is employed by an employer for compensation.

(3) "Employer" means a person that employs one or more employees.

(4) "Emergency evacuation order" means an official statement issued by the governing body of this state or a political subdivision of this state to recommend the evacuation of all or part of the population of an area stricken or threatened with a disaster. The term includes a declaration of local disaster under Section 418.108, Government Code.

(5) "Emergency services personnel" includes fire fighters, police officers and other peace officers, emergency medical technicians, and other individuals who are required, in the course and scope of their employment, to provide services for the benefit of the general public during emergency situations.

(6) "Person" means an individual, corporation, association, partnership, organization, or other public or private legal entity.

(7) "Political subdivision" means a county, municipality, special district, or authority of this state.

SECTION 2. DISCRIMINATION PROHIBITED. (a) Except as provided by Section 3 of this Act, an employer may not discharge or in any other manner discriminate against an employee who leaves the employee's place of employment to participate in a general public evacuation ordered under an emergency evacuation order.

(b) An employer who violates this section is liable for any loss of wages and employer-provided benefits incurred by the employee as a result of the violation. A person discharged in violation of this section is entitled to reinstatement in the same or an equivalent position of employment with commensurate pay.

SECTION 3. EXEMPTION; EMERGENCY SERVICES PERSONNEL. Section 2 of this Act does not apply to individuals employed as emergency services personnel if the employer provides adequate emergency shelter for those individuals. This Act does not apply

to those people who are necessary to provide for the safety and well-being of the general public, including those necessary for the restoration of vital services.

**SECTION 4. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 8, 1993, by a non-record vote; passed by the Senate on May 26, 1993: Yeas 30, Nays 0.

Approved June 17, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.