

AN ACT

relating to the abolition of the Commission on Human Rights and the transfer of its functions to the Texas Workforce Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 21, Labor Code, is amended by adding Section 21.0015 to read as follows:

Sec. 21.0015. TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION. The powers and duties exercised by the Commission on Human Rights under this chapter are transferred to the Texas Workforce Commission civil rights division. A reference in this chapter to the "commission" means the Texas Workforce Commission civil rights division.

SECTION 2. Chapter 301, Labor Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. CIVIL RIGHTS DIVISION

Sec. 301.151. DEFINITIONS. In this subchapter:

(1) "Director" means the director of the division.

(2) "Division" means the civil rights division of the commission.

(3) "Human rights commission" means the Commission on Human Rights established by this subchapter.

Sec. 301.152. GENERAL PROVISIONS. (a) The division is an independent division in the commission. The division shall be responsible for administering Chapter 21 of this code and Chapter

1 301, Property Code, including exercising the powers and duties
2 formerly exercised by the former Commission on Human Rights under
3 those laws.

4 (b) A reference in Chapter 21 of this code, Chapter 301,
5 Property Code, or any other law to the former Commission on Human
6 Rights means the division.

7 Sec. 301.153. HUMAN RIGHTS COMMISSION. (a) The division is
8 governed by the human rights commission, which consists of seven
9 members as follows:

- 10 (1) one member who represents industry;
11 (2) one member who represents labor; and
12 (3) five members who represent the public.

13 (b) The members of the human rights commission established
14 under this section shall be appointed by the governor. In making
15 appointments to the human rights commission, the governor shall
16 strive to achieve representation on the human rights commission
17 that is diverse with respect to disability, religion, age, economic
18 status, sex, race, and ethnicity.

19 (c) The term of office of each commissioner is six years.
20 The governor shall designate one commissioner to serve as presiding
21 officer.

22 (d) A commissioner is entitled to reimbursement of actual
23 and necessary expenses incurred in the performance of official
24 duties.

25 (e) The human rights commission shall establish policies
26 for the division and supervise the director in administering the
27 activities of the division.

1 (f) The human rights commission is the state authority
2 established as a fair employment practice agency and is authorized,
3 with respect to an unlawful employment practice, to:

- 4 (1) grant relief from the practice;
5 (2) seek relief from the practice; or
6 (3) institute criminal proceedings.

7 Sec. 301.154. DIRECTOR. (a) The director shall be
8 appointed by the human rights commission to administer the powers
9 and duties of the division.

10 (b) To be eligible for appointment, the director must have
11 relevant experience in the area of civil rights, specifically in
12 working to prevent the types of discrimination the division is
13 charged with preventing. The director must demonstrate a
14 commitment to equal opportunity for minorities, women, and the
15 disabled. The director should also have relevant experience with
16 housing and employment discrimination claims.

17 Sec. 301.155. INVESTIGATOR TRAINING PROGRAM; PROCEDURES
18 MANUAL. (a) A person who is employed under this chapter by the
19 division as an investigator may not conduct an investigation until
20 the person completes a comprehensive training and education program
21 for investigators that complies with this section.

22 (b) The training program must provide the person with
23 information regarding:

- 24 (1) the requirements relating to employment adopted
25 under the Americans with Disabilities Act (42 U.S.C. Section 12101
26 et seq.) and its subsequent amendments, with a special emphasis on
27 requirements regarding reasonable accommodations;

1 (2) various types of disabilities and accommodations
2 appropriate in an employment setting for each type of disability;
3 and

4 (3) fair employment and housing practices.

5 (c) Each investigator shall annually complete a continuing
6 education program designed to provide investigators with the most
7 recent information available regarding the issues described by
8 Subsection (b), including legislative and judicial changes in the
9 law.

10 (d) The director shall develop and biennially update an
11 investigation procedures manual. The manual must include
12 investigation procedures and information and may include
13 information regarding the Equal Employment Opportunity Commission
14 and the United States Department of Housing and Urban Development.

15 Sec. 301.156. ANALYSIS OF DISCRIMINATION COMPLAINTS;
16 REPORT. (a) The division shall collect and report statewide
17 information relating to employment and housing discrimination
18 complaints as required by this section.

19 (b) Each state fiscal year, the division shall collect and
20 analyze information regarding employment and housing
21 discrimination complaints filed with the division, the Equal
22 Employment Opportunity Commission, the United States Department of
23 Housing and Urban Development, and local commissions in this state.
24 The information must include:

25 (1) an analysis of employment complaints filed by the
26 basis of the complaint, including:

27 (A) sex, race, color, age, disability, national

1 origin, religion, and genetic information; and

2 (B) retaliatory actions against the complainant;

3 (2) an analysis of housing complaints filed by the
4 basis of the complaint, including sex, race, color, disability,
5 national origin, religion, and familial status;

6 (3) an analysis of employment complaints filed by
7 issue, including discharge, terms and conditions, sexual
8 harassment, promotion, hiring, demotion, and layoff;

9 (4) an analysis of housing complaints filed by issue,
10 including terms and conditions, refusal to rent or sell,
11 discriminatory financing or advertising, and false representation;

12 (5) an analysis of employment and housing cases closed
13 by the reason the case was closed, including findings or
14 determinations of cause or no cause, successful conciliation, right
15 to sue issued, complaint withdrawn after resolution, no-fault
16 settlement, failure to cooperate by the complainant, and lack of
17 jurisdiction; and

18 (6) the average processing time for complaints
19 resolved by the division in each state fiscal year, regardless of
20 whether the complaint was filed in the same fiscal year in which the
21 complaint was resolved.

22 (c) The results of an analysis required under this section
23 shall be included in the commission's annual report to the governor
24 and legislature.

25 SECTION 3. Subchapter A, Chapter 301, Property Code, is
26 amended by adding Section 301.0015 to read as follows:

27 Sec. 301.0015. TEXAS WORKFORCE COMMISSION CIVIL RIGHTS

1 DIVISION. The powers and duties exercised by the Commission on
2 Human Rights under this chapter are transferred to the Texas
3 Workforce Commission civil rights division. A reference in this
4 chapter to the "commission" means the Texas Workforce Commission
5 civil rights division.

6 SECTION 4. The following laws are repealed:

- 7 (1) Chapter 461, Government Code;
8 (2) Sections 21.002(2) and (3), Labor Code; and
9 (3) Sections 301.003(3), 301.061, and 301.064,
10 Property Code.

11 SECTION 5. On the effective date of this Act:

12 (1) the Commission on Human Rights as it exists
13 immediately before the effective date of this Act is abolished and
14 the offices of the members of the commission serving on that date
15 are abolished;

16 (2) all powers, duties, functions, and activities
17 performed by the Commission on Human Rights immediately before the
18 effective date of this Act are transferred to the Texas Workforce
19 Commission civil rights division;

20 (3) a rule, form, order, or procedure adopted by the
21 Commission on Human Rights is a rule, form, order, or procedure of
22 the Texas Workforce Commission civil rights division and remains in
23 effect until changed by the Texas Workforce Commission;

24 (4) a reference in law to the Commission on Human
25 Rights means the Texas Workforce Commission civil rights division;

26 (5) a complaint, investigation, or other proceeding
27 pending before the Commission on Human Rights under Chapter 21,

1 Labor Code, Chapter 301, Property Code, or any other law is
2 transferred without change in status to the Texas Workforce
3 Commission civil rights division;

4 (6) all obligations, rights, and contracts of the
5 Commission on Human Rights are transferred to the Texas Workforce
6 Commission civil rights division; and

7 (7) all property, including records and money, in the
8 custody of the Commission on Human Rights and all funds
9 appropriated by the legislature for the Commission on Human Rights,
10 including federal funds, shall be transferred to the Texas
11 Workforce Commission civil rights division.

12 SECTION 6. Not later than November 1, 2003, the governor
13 shall appoint new members to the Commission on Human Rights
14 established under Subchapter I, Chapter 301, Labor Code, as added
15 by this Act. In appointing members under this section, the governor
16 shall appoint:

- 17 (1) two members for terms expiring February 1, 2005;
18 (2) two members for terms expiring February 1, 2007;
19 and
20 (3) three members for terms expiring February 1, 2009.

21 SECTION 7. This Act shall take effect upon certification of
22 the Texas Workforce Commission civil rights division by the
23 appropriate federal agency, and the transfer of related federal
24 funds. Upon certification of the Texas Workforce Commission civil
25 rights division by the appropriate federal agency, the Texas
26 Workforce Commission shall file with the secretary of state for
27 publication in the Texas Register.

President of the Senate

Speaker of the House

I certify that H.B. No. 2933 was passed by the House on May 10, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2933 on May 30, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2933 was passed by the Senate, with amendments, on May 28, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor