

By: Flores

H.B. No. 120

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an exception for certain employees of the Texas Lottery
3 Commission from the application of the employment-at-will
4 doctrine.

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

6 SECTION 1. Section 467.034, Government Code, is amended to
7 read as follows:

8 Sec. 467.034. EMPLOYEES. The executive director shall
9 employ other personnel necessary to administer the laws under the
10 commission's jurisdiction. Except as provided by Subchapter D,
11 commission [~~Commission~~] employees serve at the will of the
12 executive director.

13 SECTION 2. Chapter 467, Government Code, is amended by
14 adding Subchapter D to read as follows:

15 SUBCHAPTER D. RESTRICTION ON APPLICATION OF EMPLOYMENT-AT-WILL
16 DOCTRINE TO CERTAIN EMPLOYEES

17 Sec. 467.151. EXCEPTION FROM APPLICATION OF
18 EMPLOYMENT-AT-WILL DOCTRINE. The commission may not discharge an
19 employee who has been continuously employed by the commission for
20 at least one year in any capacity, except for good cause.

21 Sec. 467.152. CAUSE OF ACTION. An employee discharged in
22 violation of this subchapter may bring an action for:

23 (1) reinstatement in the same position of employment
24 or an equivalent position of employment with commensurate pay;

1 (2) actual damages, including compensation for loss of
2 wages and employer-provided benefits incurred by the employee as a
3 result of the violation;

4 (3) court costs; and

5 (4) reasonable attorney's fees.

6 Sec. 467.153. NOTICE. The commission shall notify its
7 employees of their rights under this subchapter by posting an
8 appropriately worded sign in a prominent place in the workplace.

9 SECTION 3. This Act takes effect November 1, 2005.