

Amend CSSB 5 as follows:

(1) In ARTICLE 3 (page 12, line 54, through page 84, line 10, senate committee printing), insert a new appropriately numbered SECTION to read as follows:

SECTION 3.____. Subchapter C, Chapter 410, Labor Code, is amended by adding Sections 410.122 and 410.123 to read as follows:

Sec. 410.122. REQUIRING ARBITRATION AGREEMENT. An employer who does not provide workers' compensation insurance coverage commits a Class A administrative violation if the employer fails or refuses to hire, discharges, harasses, or in any other manner discriminates against an individual in connection with compensation, terms, conditions, or privileges of employment because the individual refuses to sign an arbitration agreement.

Sec. 410.123. MANDATORY ARBITRATION PROHIBITED. (a) An employer who does not provide workers' compensation insurance coverage may not require as a condition of employment that:

- (1) an employee submit to mandatory arbitration; or
- (2) an employee or prospective employee waive any

rights.

(b) An arbitration agreement or waiver described by Subsection (a) is not enforceable unless the employee or prospective employee:

- (1) knowingly and voluntarily agrees to the agreement or waiver; and
- (2) signs the agreement or waiver.

(c) An arbitration agreement or waiver described by Subsection (a) that violates this section is void and unenforceable.

(d) In any proceeding in which enforcement of an arbitration agreement or a waiver of rights described by Subsection (a) is sought, the employer has the burden of proof to show that the agreement or waiver was agreed to by the employee knowingly and voluntarily and that the agreement or waiver was not a condition of employment.

(2) Renumber the subsequent SECTIONS of ARTICLE 3 of the bill appropriately.