

By: Coleman

H.B. No. 2519

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain discrimination in applications for employment and employment interviews.

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

SECTION 1. Subchapter B, Chapter 21, Labor Code, is amended by adding Section 21.0515 to read as follows:

Sec. 21.0515. PROHIBITED DISCRIMINATION IN EMPLOYMENT APPLICATIONS AND INTERVIEWS. (a) In this section, "religious organization" means:

(1) an organization that meets the standards for qualification as a religious organization under Section 11.20, Tax Code; or

(2) a school, institution of higher education, or other educational institution that is not described by Subdivision (1) but that:

(A) is wholly or substantially controlled, managed, owned, or supported by an organization described by Subdivision (1); or

(B) has a curriculum directed toward the propagation of a particular religion.

(b) An employer commits an unlawful employment practice if the employer:

(1) as a condition for consideration for employment:

(A) requires an applicant for employment to

1 disclose in an application form the sexual orientation of the
2 applicant; or

3 (B) in the course of an interview with an
4 applicant for employment, requests the applicant to disclose the
5 sexual orientation of the applicant; or

6 (2) asks a person other than the applicant, including
7 a former employer of the applicant, to offer an assessment of the
8 applicant's genuine or perceived sexual orientation.

9 (c) Except as provided by this subsection, this section does
10 not apply to a religious organization. This section does apply to
11 activities conducted for profit by a religious organization to the
12 extent that those activities are subject to federal taxation under
13 Section 511(a), Internal Revenue Code of 1986, as that section
14 existed on September 1, 2005.

15 SECTION 2. This Act takes effect September 1, 2005.