

By: Rodriguez

H.B. No. 2781

A BILL TO BE ENTITLED

AN ACT

relating to an exception for certain employees from the application of the employment-at-will doctrine.

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

SECTION 1. Subtitle B, Title 2, Labor Code, is amended by adding Chapter 54 to read as follows:

CHAPTER 54. RESTRICTION ON APPLICATION OF
EMPLOYMENT-AT-WILL DOCTRINE TO CERTAIN EMPLOYEES

Sec. 54.001. DEFINITIONS. In this chapter:

(1) "Employee" means an individual, other than an independent contractor, who is employed for compensation.

(2) "Employer" means a person who employs one or more employees.

Sec. 54.002. EXCEPTION FROM APPLICATION OF EMPLOYMENT-AT-WILL DOCTRINE. An employer may not discharge an employee who has been continuously employed by that employer for at least four years in any capacity, except for good cause.

Sec. 54.003. CAUSE OF ACTION. An employee discharged in violation of this chapter may bring an action for:

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

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

1 (3) court costs; and

2 (4) reasonable attorney's fees.

3 Sec. 54.004. NOTICE; RULES. (a) Each employer shall notify
4 its employees of their rights under this chapter by posting an
5 appropriately worded sign in a prominent place in the employer's
6 workplace.

7 (b) The Texas Workforce Commission shall prescribe the
8 design and content of the sign required under Subsection (a) and may
9 adopt rules as necessary to implement this chapter.

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