

BILL ANALYSIS

Senate Research Center
80R12675 KSD-F

S.B. 1980
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 431.006 (Reemployment of Person Called to Training or Duty), Government Code, entitles a person injured by a violation of that section to damages in an amount not exceeding six months' compensation at the rate at which the person was compensated when ordered to training or duty in the military forces.

As proposed, S.B. 1980 increases the amount of damages a person is granted from six to 24 months of compensation if an employer is found in violation of the requirement to rehire a returning veteran once the veteran has returned from training or duty. This bill also provides for exemplary or punitive damages and calls for "clear and convincing evidence" when employers claim that reemploying the employee is impossible or unreasonable due to changed circumstances.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 431.006(b) and (c), Government Code, as follows:

(b) Entitles a person injured by a violation of this section (Reemployment of Person Called to Training or Duty) to damages in an amount not exceeding 24, rather than six, months' compensation at the rate at which the person was compensated when ordered to training or duty, to reasonable attorney's fees approved by the court, and to exemplary or punitive damages.

(c) Provides that the employer has the burden of proving by clear and convincing evidence the impossibility or unreasonableness of reemploying the employee under the employee's changed circumstances.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.