

By: Davis of Dallas

H.B. No. 2517

A BILL TO BE ENTITLED

AN ACT

relating to damages for certain harassment by an employer.

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

SECTION 1. Subtitle A, Title 2, Labor Code, is amended by adding Chapter 28 to read as follows:

CHAPTER 28. PROHIBITION ON CERTAIN EMPLOYER ACTIONS

Sec. 28.001. DEFINITIONS; RULES. (a) In this chapter:

(1) "Employee" means a person other than an independent contractor who, for compensation, performs services for an employer under a written or oral contract of hire, whether express or implied.

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

(b) For purposes of this chapter, the Texas Workforce Commission by rule shall determine the definitions of "bullying" and "harassment." The commission shall make the determinations required by this subsection in a manner consistent with reasonable business practices.

Sec. 28.002. PROHIBITED ACTS. (a) An employer may not bully or harass an employee.

(b) An employer may not interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this chapter.

(c) An employer may not discharge or otherwise discriminate

1 against an employee for opposing a practice made unlawful by this
2 chapter.

3 (d) An employer may not discharge or otherwise discriminate
4 against an employee because the employee has:

5 (1) instituted or caused to be instituted a proceeding
6 under this chapter; or

7 (2) testified, or is about to testify, in an inquiry or
8 proceeding under this subchapter.

9 Sec. 28.003. CIVIL ACTION. (a) An employee whose employer
10 violates this chapter may bring a civil action against the employer
11 to enforce rights protected by this chapter.

12 (b) An action under this section must be brought in the
13 county in which the place of employment is located not later than
14 the first anniversary of the date of the violation.

15 (c) The employer of an employee who prevails in a civil
16 action under this section is liable to the affected employee for
17 damages equal to the amount of:

18 (1) any wages, salary, employment benefits, or other
19 compensation denied or lost to the employee by reason of the
20 violation or, if wages, salary, employment benefits, or other
21 compensation has not been denied or lost, any actual monetary
22 losses sustained by the employee as a direct result of the
23 violation;

24 (2) interest on the amount determined under
25 Subdivision (1) computed at the prevailing rate of interest on
26 judgments; and

27 (3) an additional amount as liquidated damages equal

1 to the sum of the amount determined under Subdivision (1) and the
2 interest determined under Subdivision (2).

3 (d) In addition to any judgment awarded to the plaintiff,
4 the court may require the defendant to pay reasonable attorney's
5 fees, reasonable expert witness fees, and other costs.

6 SECTION 2. The Texas Workforce Commission shall adopt rules
7 as required by Chapter 28, Labor Code, as added by this Act, not
8 later than November 1, 2007.

9 SECTION 3. Chapter 28, Labor Code, as added by this Act,
10 applies only to a cause of action that accrues on or after January
11 1, 2008. An action that accrues before January 1, 2008, is governed
12 by the law applicable to the action immediately before the
13 effective date of this Act, and that law is continued in effect for
14 that purpose.

15 SECTION 4. This Act takes effect September 1, 2007.