

By: Rodriguez

S.B. No. 1305

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition of school district retaliation against an employee for filing a grievance.

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

SECTION 1. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.1711 to read as follows:

Sec. 11.1711. RETALIATION PROHIBITED. (a) In this section, "personnel action" means an action that affects an employee's compensation, promotion, demotion, transfer, work assignment, or performance evaluation.

(b) A school district may not suspend or terminate the employment of an employee or take other adverse personnel action against the employee for filing a grievance in good faith in accordance with the district's grievance policy.

(c) An employee whose employment is suspended or terminated or who is subjected to an adverse personnel action in violation of this section is entitled to:

(1) reinstatement to the employee's former position or an equivalent position;

(2) compensation for lost wages during the period of suspension, termination, or other adverse personnel action;

(3) reinstatement of fringe benefits and seniority rights lost because of the suspension, termination, or other adverse personnel action; and

1                   (4) permanent removal of any retaliatory performance  
2 review from any personnel file maintained by the district regarding  
3 the employee.

4                   SECTION 2. This Act takes effect September 1, 2011.