

By: Collier

H.B. No. 3817

A BILL TO BE ENTITLED

AN ACT

relating to retaliation as an unlawful employment practice.

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

SECTION 1. Subchapter C, Chapter 21, Labor Code, is amended by adding Section 21.1251 to read as follows:

Sec. 21.1251. CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RETALIATION IN EMPLOYMENT PRACTICES. (a) Except as otherwise provided by this chapter, an unlawful employment practice is established when the complainant demonstrates that retaliation as described by Section 21.055 was a motivating factor for an employment practice, even if other factors also motivated the practice.

(b) In a complaint in which a complainant proves a violation under Subsection (a) and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court may grant declaratory relief, injunctive relief except as otherwise provided by this subsection, and attorney's fees and costs demonstrated to be directly attributable only to the pursuit of a complaint under Subsection (a), but may not award damages or issue an order requiring an admission, reinstatement, hiring, promotion, or back pay.

SECTION 2. Section 21.1251, Labor Code, as added by this Act, applies only to a claim of discrimination based on conduct that

1 occurs on or after the effective date of this Act. A claim of
2 discrimination based on conduct that occurs before the effective
3 date of this Act is governed by the law in effect on the date the
4 conduct occurred, and the former law is continued in effect for that
5 purpose.

6 SECTION 3. This Act takes effect September 1, 2013.