

1-1 By: Davis, Watson S.B. No. 248
1-2 (In the Senate - Filed January 24, 2013; January 29, 2013,
1-3 read first time and referred to Committee on Economic Development;
1-4 March 27, 2013, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; March 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | | | X | |
| 1-10 | | | X | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | | | X | |
| 1-14 | X | | | |

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to unlawful employment practices regarding discrimination
1-18 in payment of compensation.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subsection (a), Section 21.202, Labor Code, is
1-21 amended to read as follows:

1-22 (a) A complaint under this subchapter must be filed not
1-23 later than the 180th day after the date the alleged unlawful
1-24 employment practice occurred. With respect to an allegation of
1-25 discrimination in payment of compensation in violation of this
1-26 chapter, an unlawful employment practice occurs each time:

1-27 (1) a discriminatory compensation decision or other
1-28 practice is adopted;

1-29 (2) an individual becomes subject to a discriminatory
1-30 compensation decision or other practice; or

1-31 (3) an individual is adversely affected by application
1-32 of a discriminatory compensation decision or other practice,
1-33 including each time wages, benefits, or other compensation affected
1-34 wholly or partly by such a decision or other practice is paid.

1-35 SECTION 2. Section 21.258, Labor Code, is amended by
1-36 amending Subsection (c) and adding Subsection (d) to read as
1-37 follows:

1-38 (c) Except as otherwise provided by this subsection,
1-39 liability [~~Liability~~] under a back pay award may not accrue for a
1-40 date more than two years before the date a complaint is filed with
1-41 the commission. Liability may accrue, and an aggrieved person may
1-42 obtain relief as provided by this subchapter, including recovery of
1-43 back pay for up to two years preceding the date of filing the
1-44 complaint, if the unlawful employment practices that have occurred
1-45 during the period for filing a complaint are similar or related to
1-46 unlawful employment practices with regard to discrimination in
1-47 payment of compensation that occurred outside the period for filing
1-48 a complaint.

1-49 (d) Interim earnings, workers' compensation benefits, and
1-50 unemployment compensation benefits received operate to reduce the
1-51 back pay otherwise allowable under this section.

1-52 SECTION 3. This Act takes effect immediately if it receives
1-53 a vote of two-thirds of all the members elected to each house, as
1-54 provided by Section 39, Article III, Texas Constitution. If this
1-55 Act does not receive the vote necessary for immediate effect, this
1-56 Act takes effect September 1, 2013.

1-57 * * * * *