

BILL ANALYSIS

H.B. 1390
By: Thompson, Senfronia
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, discrimination against an employee for filing a workers' compensation claim filed in good faith actions is prohibited. Interested parties assert, however, that after a recent state court ruling involving governmental immunity, the right of certain government employees to bring a claim against their employers for such discrimination was called into question and contend that such a right should be restored. H.B. 1390 seeks to address this issue by amending current law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1390 amends the Labor Code to authorize a public employee who alleges a violation of statutory provisions prohibiting discrimination against employees relating to workers' compensation claims or proceedings under the Texas Workers' Compensation Act to sue the employing state or local government entity for relief. The bill waives and abolishes sovereign and governmental immunity to the extent of liability for the relief allowed for such a violation. The bill subjects the amount of damages that may be awarded to the statutory limitations on tort liability of governmental units under the Civil Practice and Remedies Code and specifies that a public employee is not entitled to recover exemplary damages in such a suit.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.