

By: Turner of Tarrant

H.B. No. 412

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition against employment discrimination on the basis of sexual orientation by state contractors; providing an administrative penalty.

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

SECTION 1. Subchapter A, Chapter 2155, Government Code, is amended by adding Section 2155.0065 to read as follows:

Sec. 2155.0065. PROHIBITION AGAINST SEXUAL ORIENTATION DISCRIMINATION BY STATE CONTRACTOR. (a) In this section:

(1) "Employee" means an individual who is employed by a contractor or subcontractor for compensation.

(2) "Sexual orientation" means the actual or perceived status of an individual with respect to the individual's sexuality.

(b) A state agency contracting with a contractor under this subtitle shall require the contractor to adopt and apply an employment policy under which the contractor and any subcontractor may not, because of sexual orientation:

(1) fail or refuse to hire an individual, discharge an individual, or discriminate in any other manner against an individual in connection with compensation or the terms, conditions, or privileges of employment; or

(2) limit, segregate, or classify an employee or applicant for employment in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely

1 affect in any other manner the status of an employee.

2 (c) Each contract entered into between a state agency and a
3 contractor under this subtitle must include terms that:

4 (1) authorize an employee of a contractor or
5 subcontractor, or an applicant for employment with the contractor
6 or subcontractor, to make a verbal or written complaint to the state
7 agency regarding the contractor's or subcontractor's noncompliance
8 with an employment policy required by Subsection (b);

9 (2) explain that, on confirmation of a contractor's
10 noncompliance with an employment policy required by Subsection (b)
11 that is the subject of a complaint, the state agency shall provide
12 to the contractor written notice of the noncompliance by hand
13 delivery or certified mail;

14 (3) inform a contractor that the state agency may
15 impose an administrative penalty if the contractor fails to comply
16 with an employment policy required by Subsection (b) after the date
17 on which the contractor receives notice under Subdivision (2); and

18 (4) explain that an amount equal to the amount of the
19 administrative penalty may be withheld from a payment otherwise
20 owed to a contractor under a contract.

21 (d) The amount of an administrative penalty imposed under
22 Subsection (c)(3) is \$100 per day for each employee or applicant for
23 employment who is discriminated against in violation of an
24 employment policy required by Subsection (b).

25 (e) Each state agency shall develop procedures for the
26 administration of this section.

27 SECTION 2. Section 2155.0065, Government Code, as added by

1 this Act, applies only to a contract for which a state agency first
2 advertises or otherwise solicits bids, proposals, offers,
3 qualifications, or other similar expressions of interest on or
4 after the effective date of this Act.

5 SECTION 3. This Act takes effect September 1, 2015.