

By: Thompson of Harris

H.B. No. 1390

A BILL TO BE ENTITLED

1 AN ACT
2 relating to remedies for discrimination by a public employer
3 against a public employee in connection with a claim for workers'
4 compensation.

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

6 SECTION 1. Chapter 451, Labor Code, is amended by adding
7 Section 451.004 to read as follows:

8 Sec. 451.004. WAIVER OF IMMUNITY FOR STATE AND LOCAL
9 GOVERNMENTAL ENTITIES. (a) In this section, "local governmental
10 entity," "public employee," and "state governmental entity" have
11 the meanings assigned by Section 554.001, Government Code.

12 (b) A public employee who alleges a violation of Section
13 451.001 may sue the state or local governmental entity for the
14 relief provided by this chapter. Sovereign and governmental
15 immunity is waived and abolished to the extent of liability for the
16 relief allowed under this chapter for a violation of Section
17 451.001.

18 (c) The amount of damages that may be awarded under this
19 section is subject to limitations under Section 101.023, Civil
20 Practice and Remedies Code.

21 (d) A public employee is not entitled to recover exemplary
22 damages under this chapter.

23 SECTION 2. The change in law made by this Act applies to a
24 cause of action filed or pending on or after the effective date of

1 this Act, regardless of whether the cause of action accrued before,
2 on, or after the effective date of this Act.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2015.