

By: Thompson of Harris

H.B. No. 1390

A BILL TO BE ENTITLED

AN ACT

relating to remedies for discrimination by a public employer against a public employee in connection with a claim for workers' compensation.

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

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

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

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

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

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

SECTION 2. The change in law made by this Act applies to a 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.