

By: Taylor of Collin, et al.

S.B. No. 664

A BILL TO BE ENTITLED

AN ACT

relating to employment termination for falsification of military record in obtaining employment or employment benefits.

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

SECTION 1. This Act shall be known as the Stolen Valor Act.

SECTION 2. Title 3, Labor Code, is amended by adding Chapter 105 to read as follows:

CHAPTER 105. EMPLOYMENT TERMINATION FOR FALSIFICATION OF MILITARY RECORD IN OBTAINING EMPLOYMENT OR EMPLOYMENT BENEFITS

Sec. 105.001. DEFINITIONS. In this chapter:

(1) "Employee" means an individual who is employed by an employer for compensation.

(2) "Employer" means a person who employs one or more employees.

(3) "Military record" has the meaning assigned by Section 32.54, Penal Code.

Sec. 105.002. EMPLOYMENT TERMINATION; EMPLOYMENT CONTRACT VOID AND UNENFORCEABLE. (a) An employer may discharge an employee, regardless of whether the employee is employed under an employment contract with the employer, if the employer determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner

1 that would constitute an offense under Section 32.54, Penal Code.

2 (b) An employment contract entered into by an employer with
3 an employee discharged by the employer under this section is void
4 and unenforceable as against public policy.

5 Sec. 105.003. SUIT TO APPEAL TERMINATION. An employee who
6 was employed by an employer under an employment contract on the date
7 of the employee's termination and who believes the employee was
8 wrongfully terminated under Section 105.002 may bring suit against
9 the employer in a district court in the county in which the
10 termination occurred for appropriate relief, including rehiring or
11 reinstatement to the employee's previous job, payment of back
12 wages, and reestablishment of employee benefits to which the
13 employee otherwise would have been eligible if the employee had not
14 been terminated.

15 SECTION 3. Chapter 105, Labor Code, as added by this Act,
16 applies only to an employee termination that occurs on or after the
17 effective date of this Act.

18 SECTION 4. This Act takes effect September 1, 2015.