

BILL ANALYSIS

H.B. 1801
By: Blanco
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concern that military service members and military veterans sometimes face bias from prospective employers based on the suspicion that the service member or veteran suffers from post-traumatic stress disorder. H.B. 1801 seeks to protect military service members and military veterans from employment discrimination and to ensure that such discrimination can be properly investigated.

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. 1801 amends the Labor Code to include an individual's status as a military service member or military veteran as a characteristic of a protected class against which discrimination in the form of specified employment-related actions particular to and taken by an employer, employment agency, labor organization, or person elected to public office is prohibited as an unlawful employment practice. The bill includes an individual's status as a military service member or military veteran as a characteristic of a protected class against which discrimination by an employer, labor organization, employment agency, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program under certain circumstances constitutes an unlawful employment practice. The bill defines "military service member" as a person who is currently serving in the U.S. armed forces, in a reserve component of the U.S. armed forces, or in the state military service of any state and defines "military veteran" as a person who has served in the U.S. armed forces or the U.S. Public Health Service, the Texas military forces, or an auxiliary service of a branch of such armed forces and who has been honorably discharged from the branch of the service in which the person served.

H.B. 1801 establishes that a provision prohibiting discrimination related to employment on the basis of an individual's status as a military service member or military veteran does not affect the operation or enforcement of a program under state or federal law that is designed to give a preference to a military service member or military veteran in recognition of the service member's or veteran's service to Texas or the United States. The bill specifies that a person subject to statutory provisions relating to employment discrimination is not required to grant preferential treatment to an individual or group on the basis of an individual's status as a military service member or military veteran because of certain imbalances. The bill specifies that a certain prohibition against the discriminatory use of test scores does not apply to an otherwise

prohibited act that is made in conjunction with a preference program for military service members or military veterans authorized under a state or federal law. The bill specifies that an unlawful employment practice is established when a complainant demonstrates that status as a military service member or military veteran was a motivating factor for an employment practice, unless such a characteristic is combined with objective job-related factors to attain diversity in the employer's workforce.

H.B. 1801 includes an individual's status as a military service member or military veteran among the specified characteristics that are grounds for authorizing a political subdivision or two or more political subdivisions acting jointly to create a local commission to secure freedom for all individuals in the jurisdiction of each political subdivision from discrimination because of such specified characteristics. The bill includes an individual's status as a military service member or military veteran among the specified characteristics that are grounds for requiring the Texas Workforce Commission (TWC) to refer a complaint that is filed with the TWC concerning discrimination in employment because of those characteristics to a local commission with the necessary investigatory and conciliatory powers if certain conditions are met.

EFFECTIVE DATE

September 1, 2017.