

By: Turner

H.B. No. 876

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition against certain forms of employment discrimination 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 DISCRIMINATION BY STATE CONTRACTOR BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY OR EXPRESSION. (a) In this section:

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

(2) "Gender identity or expression" means having or being perceived as having a gender-related identity, appearance, expression, or behavior, regardless of whether that identity, appearance, expression, or behavior is different from that commonly associated with the individual's actual or perceived sex.

(3) "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 or gender identity or expression:

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

5 (2) limit, segregate, or classify an employee or
6 applicant for employment in a manner that would deprive or tend to
7 deprive an individual of any employment opportunity or adversely
8 affect in any other manner the status of an employee.

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

11 (1) authorize an employee of a contractor or
12 subcontractor, or an applicant for employment with the contractor
13 or subcontractor, to make a verbal or written complaint to the state
14 agency regarding the contractor's or subcontractor's noncompliance
15 with an employment policy required by Subsection (b);

16 (2) explain that, on confirmation of a contractor's
17 noncompliance with an employment policy required by Subsection (b)
18 that is the subject of a complaint, the state agency shall provide
19 to the contractor written notice of the noncompliance by hand
20 delivery or certified mail;

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

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

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

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

7 SECTION 2. Section 2155.0065, Government Code, as added by
8 this Act, applies only to a contract for which a state agency first
9 advertises or otherwise solicits bids, proposals, offers,
10 qualifications, or other similar expressions of interest on or
11 after the effective date of this Act.

12 SECTION 3. This Act takes effect September 1, 2017.