

By: Neave

H.B. No. 3477

Substitute the following for H.B. No. 3477:

By: Schofield

C.S.H.B. No. 3477

A BILL TO BE ENTITLED

AN ACT

relating to prohibited adverse employment action against an employee who in good faith reports child abuse or neglect.

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

SECTION 1. Sections 261.110(a), (b), and (c), Family Code, are amended to read as follows:

(a) In this section:

(1) "Adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Section 261.101.

(2) "Professional"~~["professional"]~~ has the meaning assigned by Section 261.101(b).

(b) An employer may not suspend or terminate the employment of, ~~[or otherwise]~~ discriminate against, or take any other adverse employment action against~~[r]~~ a person who is a professional and who in good faith:

(1) reports child abuse or neglect to:

(A) the person's supervisor;

(B) an administrator of the facility where the person is employed;

(C) a state regulatory agency; or

(D) a law enforcement agency; or

1 (2) initiates or cooperates with an investigation or
2 proceeding by a governmental entity relating to an allegation of
3 child abuse or neglect.

4 (c) A person may sue for injunctive relief, damages, or both
5 if, in violation of this section, the person:

6 (1) [~~whose employment~~] is suspended or terminated from
7 the person's employment;

8 (2) [~~or who~~] is [~~otherwise~~] discriminated against; or

9 (3) suffers any other adverse employment action [~~in~~
10 ~~violation of this section may sue for injunctive relief, damages,~~
11 ~~or both~~].

12 SECTION 2. This Act applies only to an adverse employment
13 action taken by an employer against an employee that occurs on or
14 after the effective date of this Act. An adverse employment action
15 taken by an employer against an employee that occurs before that
16 date is governed by the law in effect on the date the action
17 occurred, and the former law is continued in effect for that
18 purpose.

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