

BILL ANALYSIS

C.S.S.B. 14
By: Creighton
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that certain local governments in Texas have begun passing ordinances regulating private employment practices, which results in a patchwork of different burdensome regulations that creates hurdles for employers of all sizes and confusion for their employees. It has been suggested that these policies are better left to the employer and, if necessary, the state and federal governments, for the sake of greater consistency and ease of compliance. C.S.S.B. 14 seeks to prohibit the adoption of these local ordinances and streamline statewide employment regulations to allow job creators to spend less time fighting through a web of red tape and focus more time investing in their employees, their businesses, and their communities.

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

C.S.S.B. 14 amends the Labor Code to prohibit a municipality or county from adopting or enforcing an ordinance, order, rule, regulation, or policy requiring any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms of employment. The bill renders void and unenforceable any provision of an ordinance, order, rule, regulation, or policy that violates that prohibition. These provisions do not affect the following:

- the Texas Minimum Wage Act;
- a municipality's or county's authority to negotiate the terms of employment with its employees or the employees' designated bargaining agent;
- an ordinance, order, rule, regulation, or policy relating to terms of employment for employees of a municipality or county, regardless of whether the ordinance, order, rule, regulation, or policy is adopted before, on, or after January 1, 2022;
- employment and safety protections afforded by and in compliance with state and federal law, including rest and water breaks as required under the general duty clause of the federal Occupational Safety and Health Act of 1970 or as required under any applicable guidance of the Occupational Safety and Health Administration Heat Illness Prevention Campaign; or
- a contract or agreement relating to terms of employment voluntarily entered into between a private employer or entity and a governmental entity.

The bill defines the terms "employee," "employer," and "employment benefit" for purposes of its provisions. The bill's provisions apply to an ordinance, order, rule, regulation, or policy adopted before, on, or after the bill's effective date.

EFFECTIVE DATE

January 1, 2022.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 14 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute expands the engrossed version's list of prohibition exemptions to include the following:

- an ordinance, order, rule, regulation, or policy relating to terms of employment for employees of a municipality or county, regardless of whether the ordinance, order, rule, regulation, or policy is adopted before, on, or after January 1, 2022; and
- employment and safety protections afforded by and in compliance with state and federal law, including rest and water breaks as required under the general duty clause of the federal Occupational Safety and Health Act of 1970 or as required under any applicable guidance of the Occupational Safety and Health Administration Heat Illness Prevention Campaign.

Whereas the engrossed version specified that the bill's provisions do not affect a political subdivision's authority to negotiate the terms of employment with its employees, the substitute specifies that the bill's provisions do not affect a municipality's or county's authority to negotiate the terms of employment with its employees or the employees' designated bargaining agent.