

## **BILL ANALYSIS**

Senate Research Center

S.B. 1323  
By: Hinojosa  
Transportation  
5/24/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, under Section 505.054, Texas Labor Code, preemployment physicals by a medical physician are required for all potential new hires by the Texas Department of Transportation (TxDOT).

Recognizing the change in TxDOT's workforce, today there are still many traditional TxDOT positions, such as maintenance workers, that should require a physical be completed to confirm that the new hire candidate can perform the essential functions of the job. However, there are also many modern TxDOT 2020 workforce positions, such as administrative jobs, that have minimal exposure to physical safety concerns and should not require a preemployment physical.

S.B. 1323 amends Section 505.054, Texas Labor Code, to give TxDOT the discretion to determine which jobs require preemployment physicals. This change would result in administrative efficiencies for TxDOT in its hiring process, save taxpayer funds on unnecessary preemployment physicals, and shorten the onboarding process for the new employees who do not need preemployment physicals.

S.B. 1323 amends current law relating to preemployment physical examinations for employment with the Texas Department of Transportation.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 505.054, Labor Code, to read as follows:

Sec. 505.054. PREEMPLOYMENT PHYSICAL; EXAMINING PHYSICIANS.

SECTION 2. Amends Sections 505.054(a) and (c), Labor Code, as follows:

(a) Authorizes the Texas Department of Transportation (TxDOT) to require that an individual be prohibited from certification, rather than prohibits an individual from being certified, as an employee of TxDOT under Chapter 505 (Workers' Compensation Insurance Coverage for Employees of Texas Department of Transportation) until the individual meets certain criteria regarding a physical examination.

(c) Authorizes, rather than requires, TxDOT to designate a convenient number of regularly licensed practicing physicians to make physical examinations of individuals to determine if the individuals are physically fit for employment with TxDOT, rather than to make physical examinations of individuals employed by or to be employed by TxDOT to determine if the individuals are physically fit to be classified as TxDOT employees.

SECTION 3. Repealer: Section 505.054(b) (relating to the provision that absence of a preemployment physical examination for TxDOT employees does not bar recovery), Labor Code.

SECTION 4. Effective date: upon passage or September 1, 2021.