

By: Thompson of Harris

H.B. No. 2507

A BILL TO BE ENTITLED

AN ACT

relating to unlawful employment practices with respect to compensation and wage history.

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

SECTION 1. Section 21.202, Labor Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as otherwise provided by Subsection (a-1), a [A] complaint under this subchapter must be filed not later than the 180th day after the date the alleged unlawful employment practice occurred.

(a-1) With respect to an allegation of discrimination in payment of compensation in violation of this chapter, an unlawful employment practice occurs each time:

(1) a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted;

(2) an individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or

(3) an individual is adversely affected by application of a discriminatory compensation decision or other discriminatory practice affecting compensation, including each time wages affected wholly or partly by the decision or other practice are paid.

1 SECTION 2. Section [21.258](#), Labor Code, is amended by adding
2 Subsection (d) to read as follows:

3 (d) Liability may accrue, and an aggrieved person may obtain
4 relief as provided by this subchapter, including recovery of back
5 pay for the period allowed under this section, if the unlawful
6 employment practices that have occurred during the period for
7 filing a complaint are similar or related to unlawful employment
8 practices with regard to discrimination in payment of compensation
9 that occurred outside the period for filing a complaint.

10 SECTION 3. Subtitle A, Title 2, Labor Code, is amended by
11 adding Chapter 24 to read as follows:

12 CHAPTER 24. EMPLOYMENT DISCRIMINATION REGARDING COMPENSATION

13 Sec. 24.001. DEFINITIONS. In this chapter:

14 (1) "Applicant" means a person who has made an oral or
15 written application with an employer, or has sent a resume or other
16 correspondence to an employer, indicating an interest in
17 employment.

18 (2) "Commission" means the Texas Workforce
19 Commission.

20 (3) "Employee" and "employer" have the meanings
21 assigned by Section [21.002](#).

22 (4) "Wages" has the meaning assigned by Section
23 [61.001](#).

24 Sec. 24.002. EMPLOYER INQUIRIES INTO AND CONSIDERATION OF
25 WAGE HISTORY INFORMATION. An employer commits an unlawful
26 employment practice in violation of this chapter and Chapter [21](#) if
27 the employer:

1 (1) verbally or in writing inquires into an
2 applicant's wage history information from the applicant or from a
3 previous employer of the applicant; or

4 (2) requires disclosure of an applicant's wage history
5 information as a condition of employment.

6 Sec. 24.003. EMPLOYER ACTIONS REGARDING WAGE DISCLOSURE BY
7 EMPLOYEE OR APPLICANT. (a) An employer commits an unlawful
8 employment practice in violation of this chapter and Chapter 21 if
9 the employer discharges or in any other manner discriminates
10 against, coerces, intimidates, threatens, or interferes with an
11 employee, applicant, or other person because the person inquired
12 about, disclosed, compared, or otherwise discussed an employee's
13 wages or an applicant's prospective wages.

14 (b) This section does not require an employee to disclose
15 the employee's wages or an applicant to disclose the applicant's
16 prospective wages.

17 Sec. 24.004. COMPLAINT; ENFORCEMENT. (a) A person
18 aggrieved by an unlawful employment practice under this chapter may
19 file a complaint with the commission. A complaint filed under this
20 section is subject to Subchapters E and F, Chapter 21.

21 (b) The commission shall enforce this chapter in accordance
22 with Chapter 21.

23 SECTION 4. (a) Sections 21.202 and 21.258, Labor Code, as
24 amended by this Act, apply only to a discriminatory compensation
25 decision or other discriminatory practice affecting compensation
26 that occurs on or after the effective date of this Act.

27 (b) Chapter 24, Labor Code, as added by this Act, applies

1 only to an unlawful employment practice that occurs on or after
2 January 1, 2022.

3 SECTION 5. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2021.