

By: Menéndez

S.B. No. 2045

A BILL TO BE ENTITLED

AN ACT

relating to unlawful employment practices regarding discrimination in payment of compensation.

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

SECTION 1. Section 21.202(a), Labor Code, is amended to read as follows:

(a) A complaint under this subchapter must be filed not later than the 180th day after the date the alleged unlawful employment practice occurred. 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 practice is adopted;

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

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

SECTION 2. Section 21.258, Labor Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) Except as otherwise provided by Subsection (d), liability [~~Liability~~] under a back pay award may not accrue for a

1 date more than two years before the date a complaint is filed with
2 the commission.

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 up to two years preceding the date of filing the complaint,
6 if the unlawful employment practices that have occurred during the
7 period for filing a complaint are similar or related to unlawful
8 employment practices with regard to discrimination in payment of
9 compensation that occurred outside the period for filing a
10 complaint.

11 (e) Interim earnings, workers' compensation benefits, and
12 unemployment compensation benefits received operate to reduce the
13 back pay otherwise allowable under this section.

14 SECTION 3. The changes in law made by this Act apply only to
15 a discriminatory compensation decision or other unlawful
16 employment practice with regard to discrimination in payment of
17 compensation made on or after the effective date of this Act.

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