

By: Romero, Jr.

H.B. No. 4395

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a restriction on an employee's responsibility for
3 certain training and education expenditures required by an
4 employer.

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

6 SECTION 1. Chapter 52, Labor Code, is amended by adding
7 Subchapter H to read as follows:

8 SUBCHAPTER H. RESTRICTION ON TRAINING AND EDUCATION EXPENDITURES

9 PAID FOR BY EMPLOYEE

10 Sec. 52.071. DEFINITIONS. In this subchapter, "employee"
11 and "employer" have the meanings assigned by Section 61.001.

12 Sec. 52.072. APPLICABILITY TO TRAINING AND EDUCATION
13 EXPENDITURES. (a) This subchapter applies to any expense or cost to
14 attend or complete an education program or training required by an
15 employer that is necessary for the employee to attend or complete as
16 a condition of continuing to perform the employee's duties.

17 (b) This subchapter does not apply to an expense or cost:

18 (1) to voluntarily attend an education program or
19 training that is not required by the employer;

20 (2) to obtain a license, registration, or
21 certification necessary to work in the employee's profession, as
22 required by law; or

23 (3) incurred by the employee in knowingly carrying out
24 an illegal act.

1 Sec. 52.073. RESTRICTION ON TRAINING AND EDUCATION
2 EXPENDITURES PAID FOR BY EMPLOYEE; COMPENSATION. (a) An employer
3 may not, without fully reimbursing the employee, require an
4 employee to pay the cost of an expenditure described by Section
5 52.072(a) incurred as necessary to perform the employee's duties.

6 (b) A contract for employment that violates this section is
7 void as against the public policy of this state. An employer may
8 not discriminate or retaliate against an applicant who refuses to
9 enter into a contract for employment that violates this section.

10 Sec. 52.074. CIVIL ACTION FOR REIMBURSEMENT; LIABILITY;
11 FINDINGS. (a) An employer who violates this subchapter is liable to
12 an affected employee for:

13 (1) an amount equal to the expense incurred by the
14 employee that was not compensated or reimbursed by the employer;
15 and

16 (2) an additional amount equal to the amount described
17 by Subdivision (1) as liquidated damages.

18 (b) At the trial of an action brought under this section,
19 the employee prevails if the jury or the court finds from a
20 preponderance of the evidence that the employer:

21 (1) wrongfully withheld or diverted any part of the
22 employee's wages to pay for expenditures described by Section
23 52.072(a); or

24 (2) failed to compensate or reimburse the employee for
25 all expenditures described by Section 52.072(a).

26 Sec. 52.075. CIVIL ACTION BY EMPLOYEE OR APPLICANT FOR
27 DISCRIMINATION OR RETALIATION; LIABILITY. (a) Subject to Section

1 52.076 and notwithstanding Section 52.074, an employee or applicant
2 aggrieved by a violation of Section 52.073(b) may bring a civil
3 action to enforce rights protected by that section.

4 (b) The employer of an employee or applicant who prevails in
5 a civil action under this section is liable to an affected employee
6 or applicant for:

7 (1) equitable relief as appropriate, including
8 employment, reinstatement, and promotion; and

9 (2) damages for wages lost and an additional equal
10 amount as liquidated damages.

11 Sec. 52.076. PLAINTIFFS. (a) An action to recover under
12 this subchapter may be brought by an employee for that employee and
13 for other similarly affected employees.

14 (b) An employee may not be a plaintiff to an action brought
15 under this subchapter unless:

16 (1) the employee brings the action; or

17 (2) the employee consents in writing to another
18 employee bringing the action, and the consent is filed with the
19 court in which the action is brought.

20 Sec. 52.077. ATTORNEY'S FEES; COSTS. In addition to any
21 judgment awarded to an employee or applicant, the court may require
22 the employer to pay reasonable attorney's fees and other costs.

23 SECTION 2. (a) Section 52.073(a), Labor Code, as added by
24 this Act, applies only an expenditure for training or education
25 that is incurred on or after the effective date of this Act. An
26 expenditure incurred before the effective date of this Act is
27 governed by the law in effect on the date the expenditure was

1 incurred, and the former law is continued in effect for that
2 purpose.

3 (b) Section 52.073(b), Labor Code, as added by this Act,
4 applies only to a contract entered into on or after the effective
5 date of this Act. A contract entered into before the effective date
6 of this Act is governed by the law in effect on the date the contract
7 was entered into, and the former law is continued in effect for that
8 purpose.

9 SECTION 3. This Act takes effect September 1, 2023.