

BILL ANALYSIS

C.S.H.B. 187
By: Thompson, Senfronia
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have raised concerns regarding the statute of limitations applicable to certain unlawful employment practices. C.S.H.B. 187 seeks to address these concerns by amending the applicable law.

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.H.B. 187 amends the Labor Code to change the date by which a complaint regarding an unlawful employment practice involving employment discrimination must be filed from not later than the 180th day after the date the alleged unlawful employment practice occurred to not later than the earlier of the 180th day after the date the complainant discovered the alleged unlawful employment practice or the fifth anniversary of the date the alleged unlawful employment practice occurred. The bill establishes that, with respect to such a complaint based on the payment of wages, an unlawful employment practice does not occur each time wages affected wholly or partly by the practice are paid.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 187 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

(a) A complaint under this subchapter must

HOUSE COMMITTEE SUBSTITUTE

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

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

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

be filed not later than the earlier of:

(1) the 180th day after the date the complainant discovered the alleged unlawful employment practice; or

(2) the fifth anniversary of the date the alleged unlawful employment practice occurred.

(c) For purposes of Subsection (a), with respect to a complaint based on the payment of wages, an unlawful employment practice does not occur each time wages affected wholly or partly by the practice are paid.

No equivalent provision.

SECTION 2. The changes in law made by this Act apply only to an unlawful employment practice that occurs on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2015.