

SUBJECT: Prohibiting retaliatory acts against professionals for reporting child abuse

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 8 ayes — Martinez Fischer, Darby, Beckley, Collier, Landgraf, Moody,
Parker, Patterson

0 nays

1 absent — Shine

WITNESSES: For — Will Francis, National Association of Social Workers - Texas Chapter; (*Registered, but did not testify*: Rene Lara, Texas AFL-CIO; Jennifer Kennedy, Texas AFT; Sarah Crockett, Texas CASA; Paige Williams, Texas Classroom Teachers Association; Amy Bresnen, Texas Family Law Foundation; Joshua Houston, Texas Impact; Andrew Cates, Texas Nurses Association; Lisa Dawn-Fisher, Texas State Teachers Association; Jennifer Lucy, Texprotects; Knox Kimberly, Upbring)

Against — None

On — (*Registered, but did not testify*: Joe Palmer)

BACKGROUND: Family Code sec. 261.110 prohibits employer retaliation against professionals, including teachers, doctors, and day-care employees, who in good faith report child abuse or neglect to a supervisor, state regulatory agency, or law enforcement agency, or who cooperate with a governmental investigation into an allegation of abuse or neglect. Prohibited retaliatory acts include suspending, terminating, or otherwise discriminating against the employee.

It has been suggested that this statute is not broad enough to protect professionals from other adverse employment actions, such as a demotion, transfer, or negative performance review.

DIGEST: HB 621 would expand existing statutory protections against employer retaliation for a professional's good faith reporting of child abuse or neglect by prohibiting other adverse employment actions against the professional.

The bill would define "adverse employment action" to mean any action that affected an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect.

A person who suffered any adverse employment action in retaliation for reporting child abuse or neglect could sue an employer for injunctive relief, damages, or both.

The bill would take effect September 1, 2019, and would apply only to an adverse employment action taken on or after that date.