

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1201
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Government Organization
4/27/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the civil rights offices in many state agencies are responsible for investigating internal complaints and defending the agency against external complaints. This causes a conflict of interest that could lead to lack of confidence in the system. Resolving this conflict of interest would bring more integrity to the system and more employees might be willing to file internal complaints instead of going straight to filing external complaints.

This would remove a conflict of interest that currently exists when an employee files an internal complaint and later files an external complaint. This bill is expected to be fiscally neutral and eventually bring savings to the state.

C.S.S.B. 1201 creates a pilot program for this civil rights office organizational structure for the Texas Department of Criminal Justice and the Texas Department of Transportation. After three years the program's effectiveness will be evaluated by the Legislative Budget Board (LBB). LBB will also offer recommendations to the legislature for the continuation and expansion of the program.

C.S.S.B. 1201 also has the director of the civil rights office to report to the head of the state agency or a deputy of that agency who is not responsible for formal complaints.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 6, Government Code, by adding Chapter 671, as follows:

CHAPTER 671. STATE AGENCY CIVIL RIGHTS OFFICE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 671.001. DEFINITIONS. Defines "formal complaint of employment discrimination" and "informal complaint of employment discrimination."

[Reserves Sections 671.002-671.050 for expansion.]

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 671.051. CIVIL RIGHTS OFFICE; DIRECTOR. Requires the Texas Department of Transportation and the Texas Department of Criminal Justice to establish a civil rights office (office) and to employ a director of civil rights (director) to administer the office. Requires the director to report directly to the head of the state agency or to a deputy of the agency who does not handle formal complaints of employment.

[Reserves Sections 671.052-671.100 for expansion.]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 671.101. POWERS AND DUTIES OF OFFICE; DIRECTOR. Provides that a director has exclusive responsibility for investigating and ruling on the merits of an informal complaint of employment discrimination. Authorizes the head of the state agency to assign other responsibilities to the office.

Sec. 671.102. DISPUTE RESOLUTION. Requires the office to establish voluntary mediation policies and procedures for resolving informal complaints of employment discrimination. Requires the procedures to include the use of independent mediators approved by the director.

Sec. 671.103. EXCEPTION: FORMAL COMPLAINTS. Provides that the office has no responsibility for responding to a formal complaint of employment discrimination.

[Reserves Sections 671.104-671.150 for expansion.]

SUBCHAPTER D. REPORT; EXPIRATION

Sec. 671.151. REPORT TO LEGISLATURE. Requires the Legislative Budget Board, not later than December 1, 2008, to report the results of the pilot project established by this chapter to the speaker of the house of representatives and to the lieutenant governor. Sets forth what the report is required to include.

Sec. 671.152. EXPIRATION. Provides that this chapter expires September 1, 2009.

SECTION 2. Effective date: September 1, 2005.