

Another Wave Of Employment Bills Proposed In Texas

November 14, 2014 | [Employment Discrimination, Labor And Employment](#)



**Koryn M.
McHone**

Of Counsel

Texas employers take heed -- Texan lawmakers have once again been busy drafting bills which could impact you down the road. Accordingly, you should keep an eye on these items as they progress through the legislative process. Among other things (and after having failed to attain enactment of a state equivalent of the federal Lilly Ledbetter Fair Pay Act last year) current proposals again seek to align state law pay discrimination claims with the federal law. Specifically, [S.B. No. 65](#) and [H.B. No. 187](#) would revise Texas Labor Code Section 21.202(a) to change the law as pertains to discriminatory compensation decisions or other discriminatory compensation payment practices occurring on or after the effective date of the Act. With regard to allegations of discriminatory pay, the bills clarify that an unlawful employment practice occurs each time: (1) a discriminatory compensation decision or other practice is adopted; (2) an individual becomes subject to discriminatory compensation decision or other practice; or (3) an individual is adversely affected by application of such a decision or other practice, *"including each time wages affected wholly or partly by the decision or other practice are paid (emphasis added)."* In essence, each paycheck premised on a discriminatory compensation decision or practice would be an unlawful employment practice from which the employee would then have 180 days (under Texas law) to file his/her complaint. The bills further provide for relief allowed by Labor Code 21.258, including back pay for the period allowed under such section, if the unlawful employment practices from within the statute of limitations period are similar or related to discriminatory compensation practices that occurred outside of that filing period. In addition to the proposed changes in relation to pay discrimination, Texan legislators likewise seek to change minimum wage laws. [S.B. No. 67](#) and [H.B. No. 41](#) each propose that, except under certain exemptions, an employer shall pay to each employer not less than the greater of either \$10.10 per hour or the federal minimum wage established by the Fair Labor Standards Act of 1938. H.B. No. 41 articulates that the proposed effective date would be December 1, 2015, contingent upon the voters passing a constitutional amendment. S.B. No. 67, however, contemplates the Act taking effect September 1, 2015.

RELATED PRACTICE AREAS

Arbitration and Grievances
EEO Compliance
Labor and Employment
Workplace Culture 2.0

RELATED TOPICS

discriminatory compensation
Minimum Wage
Texas