

**SUBJECT:** Relief against discrimination related to a worker's compensation claim

**COMMITTEE:** Business and Industry — favorable, without amendment

**VOTE:** 6 ayes — Oliveira, Simmons, Collier, Fletcher, Romero, Villalba

1 nay — Rinaldi

**WITNESSES:** For — Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Martha Owen, Texas American Federation of Teachers; Jason Smith, Texas Employment Lawyers Association; Fabiola Flores, Texas Worker Advocates; (*Registered, but did not testify:* Joe Hamill, American Federation of State, County and Municipal Employees; Kate Kuhlmann, Association of Texas Professional Educators; Leonard Aguilar, Southwest Pipe Trades Association; Rick Levy, Texas AFL-CIO; Ted Melina Raab, Texas American Federation of Teachers; Michael Cunningham, Texas Building and Construction Trades Council; Paige Williams, Texas Classroom Teachers Association; Patricia Kolodzey, Texas Medical Association; Vicki Truitt, Texas Municipal Police Association; Harrison Hiner, Texas State Employees Union; Deborah Ingersoll, Texas State Troopers Association; Maxie Gallardo, Workers Defense Project; Heather Ross)

Against — (*Registered, but did not testify:* Eddie Solis, City of Arlington; Pat Carlson)

**BACKGROUND:** Labor Code, sec. 451.001 prohibits discrimination against an employee for filing a worker's compensation claim or other related activities related to a worker's compensation claim.

Government Code, ch. 554 offers protection to public employees for reporting violations of law.

Civil Practice and Remedies Code, sec. 101.023 provides limits on liability for the state government, units of local government, municipalities, and emergency service organizations.

**DIGEST:** HB 1390 would allow a public employee who alleged a violation of discrimination related to a worker's compensation claim to sue the state or local governmental entity for relief. The bill would waive and abolish sovereign and governmental immunity to the extent of liability for the relief allowed, which is defined as reasonable damages under Labor Code, sec. 451.002.

The bill also would specify that the amount of damages awarded would be subject to limitations defined in Civil Practice Code, ch. 101.023 and would specify that a public employee could not recover exemplary damages.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply only to a cause of action filed or pending on or after that date, regardless of when the cause of action accrued.