

BILL ANALYSIS

Senate Research Center
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S.B. 745
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Economic Development
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As Filed

DIGEST

Currently, an employer does not commit an unlawful employment practice, if the employer requires a bilingual or multi-lingual employee to speak only English in the workplace. In 1997, two bilingual clerks employed at the Allied Insurance Agency in Amarillo were asked to sign a pledge requiring them to only speak English while working in the office, unless they were helping customers in another language. The two clerks refused to sign the pledge, were terminated, and subsequently, alleged wrongful termination. The Texas Workforce Commission denied the women unemployment benefits. S.B. 745 would regulate employment discrimination based on certain employer-imposed language requirements.

PURPOSE

As proposed, S.B. 745 regulates employment discrimination based on certain employer-imposed language requirements.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 21B, Labor Code, by adding Section 21.0591, as follows:

Sec. 21.0591. DISCRIMINATION BASED ON CERTAIN EMPLOYER-IMPOSED LANGUAGE REQUIREMENTS. (a) Provides that an employer commits an unlawful employment practice if the employer requires an employee who is bilingual or multilingual to speak only the English language while at work.

(b) Provides that an employer does not commit an unlawful employment practice under Subsection (a) by requiring an employee to speak the English language while the employee is dealing with customers, members of the public, or other persons who understand only the English language.

(c) Provides that an employer does not commit an unlawful employment practice under Subsection (a) by hiring and employing a person on the basis of the person's fluency in the English language if fluency in the English language is a bona fide occupational qualification reasonably necessary for the performance of a position of employment.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.