

## **BILL ANALYSIS**

Senate Research Center  
86R7855 SMT-F

H.B. 1074  
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Natural Resources & Economic Development  
5/6/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

A 2008 report by the United States Department of Labor's Taskforce on the Aging of the American Workforce concluded that the aging workforce confronts many challenges and barriers in workplace advancement. The taskforce found older workers experience greater difficulty in accessing training workshops and opportunities that may help them keep pace with technological innovation and automation. Specifically, the taskforce found that workers between the ages of 25 and 34 received an average of 37 training hours per year compared with nine hours for employees over 55. What's more, workers over 55 often are denied training opportunities by their employers. In addition to having a discriminatory impact, this practice makes little economic sense since technology continues to change rapidly. Older, mature workers unquestionably bring valuable life and work experiences that are vital to enhancing cross-generational competencies in the workforce.

Although federal law protects workers and job applicants age 40 and over from age-based discrimination, age discrimination persists, including in hiring practices, promotions, and the denial of workplace training. In fact, Section 21.054(b), Labor Code, established in 1983, even authorizes age-based discrimination for certain training or retraining programs for employees 56 years of age and older. As Texans remain employed longer and the rate of technological change continues to increase dramatically, this provision has become increasingly outdated. Accordingly, H.B. 1074 would repeal Section 21.054(b), Labor Code, to strengthen our protections against age discrimination and allow workers age 56 and older equal access to training programs in the workplace.

H.B. 1074 amends current law relating to the prohibition against age discrimination in certain employment training programs.

### **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 Section 21.101, Labor Code, as follows:

Sec. 21.101. AGE DISCRIMINATION LIMITED TO INDIVIDUALS OF CERTAIN AGE. Deletes text referring to an exception provided by Section 21.054 (Admission or Participation in Training Program) and makes a nonsubstantive change to this section.

SECTION 2. Repealer: Section 21.054(b) (relating to providing that the prohibition against discrimination because of age applies only to discrimination because of age against an individual who is at least 40 years of age but younger than 56 years of age), Labor Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.