

## **BILL ANALYSIS**

Senate Research Center  
86R3695 MCK-F

H.B. 621  
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Natural Resources & Economic Development  
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Engrossed

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

There are concerns that certain professionals who are required to report child abuse or neglect have experienced employment consequences as a result of making such a report in good faith. H.B. 621 seeks to encourage such professionals to report the abuse or neglect by providing them greater employment protections.

H.B. 621 would amend the Family Code to expand the actions that an employer is prohibited from taking against an employee who, in good faith, reports child abuse or neglect to include any adverse employment action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect as required by state law. H.B. 621 also authorizes a person who suffers any such adverse employment action in violation of the bill's provisions to sue for injunctive relief, damages, or both.

H.B. 621 amends current law relating to prohibited adverse employment action against an employee who in good faith reports child abuse or neglect.

### **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 Sections 261.110(a), (b), and (c), Family Code, as follows:

(a) Defines "adverse employment action" and "professional" or purposes of this section (Employer Retaliation Prohibited).

(b) Prohibits an employer from suspending or terminating the employment of, discriminating against, or taking any other adverse employment action against, rather than prohibiting an employer from suspending or terminating the employment of or otherwise discriminating against, a person who is a professional and who in good faith:

(1)–(2) makes no changes to these subdivisions.

(c) Authorizes a person to sue for injunctive relief, damages, or both if, in violation of this section, the person:

(1) is suspended or terminated from the person's employment;

(2) is discriminated against; or

(3) suffers any other adverse employment action, rather than authorizing a person whose employment is suspended or terminated or who is otherwise discriminated against in violation of this section to sue for injunctive relief, damages, or both.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.