

1-1 By: Thompson of Harris, Collier, Harless H.B. No. 1151
 1-2 (Senate Sponsor - Garcia)
 1-3 (In the Senate - Received from the House April 20, 2015;
 1-4 May 6, 2015, read first time and referred to Committee on Natural
 1-5 Resources and Economic Development; May 22, 2015, reported
 1-6 favorably by the following vote: Yeas 11, Nays 0; May 22, 2015,
 1-7 sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to sexual harassment protection for unpaid interns.
 1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Subchapter C, Chapter 21, Labor Code, is amended
 1-26 by adding Section 21.1065 to read as follows:
 1-27 Sec. 21.1065. SEXUAL HARASSMENT PROTECTIONS FOR UNPAID
 1-28 INTERNS. (a) In this section, "sexual harassment" means an
 1-29 unwelcome sexual advance, a request for a sexual favor, or any other
 1-30 verbal or physical conduct of a sexual nature if:
 1-31 (1) submission to the advance, request, or conduct is
 1-32 made a term or condition of an individual's internship, either
 1-33 explicitly or implicitly;
 1-34 (2) submission to or rejection of the advance,
 1-35 request, or conduct by an individual is used as the basis for a
 1-36 decision affecting the individual's internship;
 1-37 (3) the advance, request, or conduct has the purpose
 1-38 or effect of unreasonably interfering with an individual's work
 1-39 performance at the individual's internship; or
 1-40 (4) the advance, request, or conduct has the purpose
 1-41 or effect of creating an intimidating, hostile, or offensive
 1-42 working environment.
 1-43 (b) An employer commits an unlawful employment practice if
 1-44 sexual harassment of an unpaid intern occurs and the employer or the
 1-45 employer's agents or supervisors:
 1-46 (1) know or should have known that the conduct
 1-47 constituting sexual harassment was occurring; and
 1-48 (2) fail to take immediate and appropriate corrective
 1-49 action.
 1-50 (c) In this section, an individual is considered to be an
 1-51 unpaid intern of an employer if:
 1-52 (1) the individual's internship, even though it
 1-53 includes engagement in the employer's operations or the performance
 1-54 of productive work for the employer, is similar to training that
 1-55 would be given in an educational environment;
 1-56 (2) the individual's internship experience is for the
 1-57 individual's benefit;
 1-58 (3) the individual does not displace the employer's
 1-59 regular employees but works under close supervision of the
 1-60 employer's existing staff;
 1-61 (4) the employer does not derive any immediate

2-1 advantage from the individual's internship activities and on
2-2 occasion the employer's operations may be impeded by those
2-3 activities;

2-4 (5) the individual is not entitled to a job at the
2-5 conclusion of the internship; and

2-6 (6) the individual is not entitled to wages for the
2-7 time spent in the internship.

2-8 SECTION 2. The change in law made by this Act applies only
2-9 to a claim of discrimination based on conduct that occurs on or
2-10 after the effective date of this Act. A claim of discrimination
2-11 that is based on conduct that occurs before the effective date of
2-12 this Act is governed by the law in effect on the date the conduct
2-13 occurred, and the former law is continued in effect for that
2-14 purpose.

2-15 SECTION 3. This Act takes effect September 1, 2015.

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