

By: Menéndez

S.B. No. 91

A BILL TO BE ENTITLED

AN ACT

relating to certain unlawful employment practices relating to the reporting of criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 21, Labor Code, is amended by adding Section 21.0605 to read as follows:

Sec. 21.0605. CERTAIN AGREEMENTS PROHIBITING REPORTING OF CRIMINAL OFFENSES VOID AND UNENFORCEABLE. (a) A nondisclosure or confidentiality agreement or other agreement between an employer and an employee is void and unenforceable as against the public policy of this state to the extent the agreement prohibits the employee from notifying, or limits the employee's ability to notify, a local or state law enforcement agency or any state or federal regulatory agency of a criminal offense committed:

(1) by an employee of the employer; or

(2) at the employee's place of employment.

(b) An employer commits an unlawful employment practice if the employer requires an employee or employment applicant, as a condition of employment or receipt of an employment benefit, to enter into an agreement described by Subsection (a).

(c) An employer commits an unlawful employment practice if the employer retaliates in any manner against an employee who:

(1) opposes an unlawful employment practice under this section;

1 (2) files a complaint regarding a violation of this
2 section;

3 (3) testifies, assists, or participates in any manner
4 in an investigation, hearing, or other proceeding to enforce this
5 section; or

6 (4) notifies a local or state law enforcement agency
7 or any state or federal regulatory agency of a criminal offense
8 described by Subsection (a)(1) or (2).

9 SECTION 2. (a) Section 21.0605(a), Labor Code, as added by
10 this Act, applies to an agreement regardless of whether the
11 agreement was entered into before, on, or after the effective date
12 of this Act.

13 (b) Sections 21.0605(b) and (c), Labor Code, as added by
14 this Act, apply only to an unlawful employment practice that occurs
15 on or after the effective date of this Act.

16 SECTION 3. This Act takes effect September 1, 2019.