

## **BILL ANALYSIS**

Senate Research Center  
79R8057 MCK-F

S.B. 1201  
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Government Organization  
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As Filed

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

Currently, the civil rights offices in many state agencies are responsible for investigating internal complaints and defending the agency against external complaints. This causes a conflict of interest that could lead to lack of confidence in the system. Resolving this conflict of interest would bring more integrity to the system and more employees might be willing to file internal complaints instead of going straight to filing external complaints.

As proposed, S.B. 1201 requires that every state agency with more than one thousand employees would have a civil rights office that reports directly to the executive director. This would omit a conflict of interest that currently exists when an employee files an internal complaint and later files an external complaint.

This bill is expected to be fiscally neutral and eventually bring savings to the state. Since most agencies of this size already have civil rights offices, this legislation only changes who the employees report to in an agency.

### **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 Subtitle B, Title 6, Government Code, by adding Chapter 671, as follows:

#### **CHAPTER 671. STATE AGENCY CIVIL RIGHTS OFFICE**

##### **SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 671.001. DEFINITIONS. Defines "formal complaint of employment discrimination," "informal complaint of employment discrimination," and "state agency."

[Reserves Sections 671.002-671.050 for expansion.]

##### **SUBCHAPTER B. ADMINISTRATIVE PROVISIONS**

Sec. 671.051. CIVIL RIGHTS OFFICE; DIRECTOR. Requires each state agency with 1,000 employees or more to establish a civil rights office (office) and to employ a director of civil rights (director) to administer the office. Requires the director to report directly to the head of the state agency.

[Reserves Sections 671.052-671.100 for expansion.]

##### **SUBCHAPTER C. POWERS AND DUTIES**

Sec. 671.101. POWERS AND DUTIES OF OFFICE; DIRECTOR. Provides that a director has exclusive responsibility for investigating and ruling on the merits of an informal complaint of employment discrimination. Authorizes the head of the state agency to assign other responsibilities to the office.

Sec. 671.102. DISPUTE RESOLUTION. Requires the office to establish voluntary mediation policies and procedures for resolving informal complaints of employment discrimination. Requires the procedures to include the use of independent mediators approved by the director.

Sec. 671.103. EXCEPTION: FORMAL COMPLAINTS. Provides that the office has no responsibility for responding to a formal complaint of employment discrimination.

SECTION 2. Effective date: upon passage or September 1, 2005.