

## **BILL ANALYSIS**

Senate Research Center  
87R3612 RDS-D

H.B. 21  
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Natural Resources & Economic Development  
5/18/2021  
Engrossed

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

Despite more persons sharing their experiences of sexual harassment in the workplace recently, many still do not know they have only 180 days from the date of the alleged misconduct to file a complaint with the Texas Workforce Commission (TWC). This short timeframe is problematic because victims of sexual harassment often are hesitant to file complaints due to fear of retribution. Instead, they try to manage the situation using coping tactics such as avoiding their harasser or separating themselves from the situation. When this approach proves untenable, and they do decide to come forward and file a formal complaint, often it is too late.

H.B. 21 would extend the statute of limitations for filing complaints regarding sexual harassment with the TWC to 300 days after the date when the misconduct allegedly occurred.

H.B. 21 amends current law relating to the statute of limitations applicable to a sexual harassment complaint filed with the Texas Workforce Commission.

### **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 21.201(g), Labor Code, to require the Texas Workforce Commission (TWC), if a perfected complaint is not received by TWC within 180 days of the alleged unlawful employment practice or, for a complaint alleging sexual harassment, within 300 days of the alleged sexual harassment, to notify the respondent that a complaint has been filed and that the process of perfecting the complaint is in progress.

SECTION 2. Amends Section 21.202, Labor Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Creates an exception under Subsection (a-1) to the requirement that a complaint under Subchapter E (Administrative Review) be filed not later than the 180th day after the date the alleged unlawful employment practice occurred and makes a nonsubstantive change.

(a-1) Requires that a complaint under Subchapter E alleging sexual harassment be filed not later than the 300th day after the date the alleged sexual harassment occurred.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.