

A Message from Our President:

Much of our focus remains on the paid sick leave ordinances. In this regard, we are hosting a workshop following our general monthly meeting on Tuesday, July 9, beginning at 2:30 p.m. to review the ordinance in detail and answer your most frequently asked questions. This workshop will be at the Norris Center, and you can register online at <https://sahrma.org/event-3454463>.

While the Texas legislature failed to pass a preemption bill that would have nullified the paid sick leave ordinances, the legislature passed several bills impacting employers, most of which take effect on September 1, 2019. Below is a summary:

SB 1978 - Religious Discrimination Protection. “Notwithstanding any other law, a governmental entity may not take any adverse action against any person based wholly or partly on the person’s membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.” In what was commonly referred to as the “Save Chick-fil-A” bill, this law originated after the San Antonio City Council approved a new concessions contract for the San Antonio International Airport on the condition that fast-food chain Chick-fil-A be excluded. In effect, the law prohibits state and local government from withholding or terminating contracts, licenses, or employment to persons or organizations based upon association or support of any religious organization. The law also prohibits altered tax treatment for the same reason, as well as other forms of “adverse action” as defined in the law.

HB 918 – Documentation for Released Inmates. This law requires the Texas Department of Criminal Justice to provide certain relevant documentation to an inmate upon his or her discharge or release from prison to assist the individual in obtaining post-release employment. This documentation includes, to the extent applicable, a copy of the inmate’s job training record, the inmate’s work record, and for an inmate who has completed a prerelease program, “a resume that includes any trade learned by the inmate and the inmate’s proficiency at that trade and documentation that the inmate has completed a practice job interview.” This law was supported by Texas SHRM as aligning with SHRM’s “Getting Talent Back To Work” initiative.

HB 696 – Operation Welcome Home. This law creates a program “intended to expedite the entry of veterans and military service members into the workforce through the use of enhanced employment services.” This program will operate on “partnerships between military transition centers and local workforce development boards to ensure the availability of employment services, including services related to education, career technical training, and entrepreneurship.” This law also creates a Texas Veterans Leadership Program, which is to be staffed by veterans and to “serve as a resource and referral network connecting veterans with the resources and tools they need to lead productive lives and enjoy the full benefits of the society they have willingly served.”

HB 2240 – Payroll Cards. This law amends the Texas Labor Code to allow employers to use electronic payroll cards to pay employees, subject to a few requirements. Employers must provide written notice of the payroll card plan and any fees associated with the program at least 60 days before the first electronic funds are

issued. Companies must also provide a form for employees to opt out of the payroll card program and issue the selected alternative payment method as soon as practicable, but no later than 30 days after the employee submits the request.

HB 541 – Right to Express Breast Milk. Texas law already provided that a mother may breastfeed in public. This law was amended to make clear that the same right extends to pump breast milk anywhere in public. As a reminder, the Fair Labor Standards Act requires employers to provide most non-exempt employees with a “reasonable break time” and a private space, other than a bathroom, for the expression of breastmilk, through the child’s first birthday.

SB 370 – Protections for Jury Service. This law expands employment protections for employees serving on a jury by prohibiting employers from *threatening, intimidating, coercing*, or discharging any permanent employee based upon his or her jury service.

HB 3703 – Texas Compassionate Use Act. Effective immediately, qualified physicians can prescribe medical marijuana products to treat epilepsy, seizure disorders, multiple sclerosis (commonly known as MS), spasticity, amyotrophic lateral sclerosis (commonly known as ALS or Lou Gherig’s disease), autism, terminal cancer, and incurable neurodegenerative diseases. The patient must be a permanent resident of Texas. Under the prior version of the law, medical marijuana was available only to patients with intractable epilepsy, a seizure disorder that is difficult to control with treatment. Notably, the Act does not contain any employment protection for qualified patients that would restrict an employer’s ability to discipline or terminate an employee who tests positive for marijuana.

HB 1325 – Hemp/CBD. Effective immediately, Texans may legally purchase hemp or hemp-derived products containing less than 0.3 percent of THC, or tetrahydrocannabinol, the psychoactive compound found in cannabis plants. Additionally, the law allows Texas to set up a federally approved program for farmers to grow hemp as an industrial crop, including procedures for sampling, inspection and testing.

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SAHRMA President, 2019

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