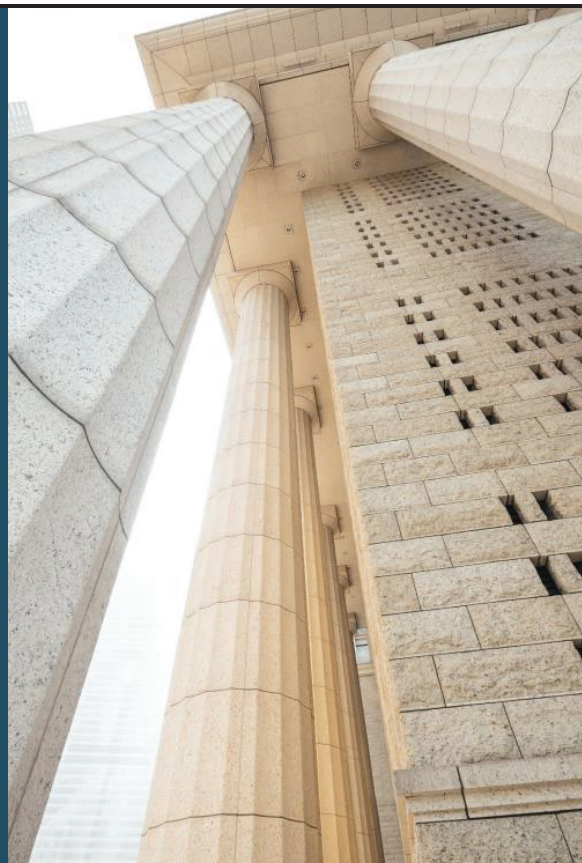


What's Weird About Texas?

E. Phileda Tennant
Counsel, Employment, Labor, & OSHA
Houston, TX

May 2024



1

A Closer Look
Agenda

- i. Common Perceptions of Texas
- ii. Texas Sexual Harassment Law
- iii. Consideration for Non-Competition Agreements in Texas
- iv. Texas' Parking Lot Gun Law
- v. Big Picture Takeaways

2

Texas tops nearly every ranking, including best state for business, again

By Bethany Blankley | The Center Square contributor

April 28, 2024 10:06 am

Texas Named Top Business Climate In America

November 1, 2023 | Austin, Texas | [Press Release](#)



Updated Feb 02, 2024

4 Reasons Why Texas Is a Hot State for Starting a Business



Sean Peek, Senior Analyst & Expert on Business Ownership

BUSINESS

The Lone Star State was recently ranked as the best place to start a business. Here's why.

Beck Andrew Salgado Austin American-Statesman

Published 5:06 a.m. CT Nov. 28, 2023 | Updated 5:06 a.m. CT Nov. 28, 2023

V&E

Confidential & Proprietary ©2024 Vinson & Elkins LLP [velaw.com](#)

3

Texas Sexual Harassment Law

Tex. Lab. Code §§ 21.141 & 21.142

V&E

Confidential & Proprietary ©2024 Vinson & Elkins LLP [velaw.com](#)

4

Overview

- In September 2021, amended the sexual harassment provisions of the Texas Commission on Human Rights Act (“TCHRA”).
- Cause of action:
 - “An employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer’s agent’s or supervisors: (1) know or should have known that the conduct constituting sexual harassment was occurring; and (2) fail to take immediate and appropriate corrective action.”
 - Tex. Lab. Code § 21.142.
- Potentially more employee-friendly than Title VII of the Civil Rights Act of 1964 (“Title VII”) in certain ways.

5

Employers Subject to the TCHRA

- For purposes of only Section 21.142:
 - “Employer” as used in Section 21.142 means (in part) any “person who . . . employs **one** or more employees.” Section 21.141
- Compared to other sexual harassment provisions:
 - Title VII: “the term ‘employer’ means a person engaged in an industry affecting commerce who has **fifteen** or more employees” 42 U.S.C. § 2000e.
 - California’s Sexual Harassment law applies to private employers only if they “regularly employ[] **five** or more individuals.” Cal. Code Regs. tit. 2, § 11008.
- Other TCHRA provisions similarly only apply to employers with **15** or more employees.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: What's Weird About Texas

Also available as part of the eCourse

[What's Weird About Texas and Other Surprising Employment Statutes](#)

First appeared as part of the conference materials for the
31st Annual Labor and Employment Law Conference session
"What's Weird About Texas"