

By: Romero, Jr.

H.B. No. 2614

A BILL TO BE ENTITLED

AN ACT

relating to administrative penalties assessed by the Texas Workforce Commission against certain employers for failure to pay wages.

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

SECTION 1. Section 61.053, Labor Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) If the commission examiner, a wage claim appeal tribunal, or the commission determines that an employer acted in bad faith in not paying wages as required by this chapter, the examiner, tribunal, or commission, in addition to ordering the payment of the wages, shall ~~may~~ assess an administrative penalty against the employer.

(a-1) For purposes of Subsection (a), acts that constitute bad faith by an employer include:

- (1) a history of previous violations of this chapter;
- (2) failure to pay wages to an employee as required by this chapter as an act of discrimination or retaliation against the employee;
- (3) failure to pay wages as required by this chapter to multiple employees at the same time;
- (4) failure to pay wages to an employee as required by this chapter knowing that the failure was a violation of state law;

1 or

2 (5) actions showing reckless disregard of the
3 requirements of this chapter, including:

4 (A) repeatedly:

5 (i) failing to reply to correspondence from
6 a commission examiner, wage claim appeal tribunal, or the
7 commission related to a wage claim; or

8 (ii) refusing to participate in the wage
9 claim process;

10 (B) issuing a check for the payment of wages from
11 an account that is closed or has insufficient funds;

12 (C) stopping payment of a check issued to an
13 employee for the payment of wages; or

14 (D) unreasonably withholding or delaying payment
15 of wages, including by conditioning the payment of wages owed on the
16 performance of additional work.

17 SECTION 2. This Act takes effect September 1, 2021.