

BILL ANALYSIS

H.B. 762
By: Creighton
Technology, Economic Development & Workforce
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Workforce Commission (TWC) is responsible for administering Chapter 61, Texas Labor Code, which relates to the payment of wages by employers. The TWC's duties under this chapter include the investigation of claims made by employees or former employees for wages that have not been paid. Currently, the Texas Payday Law only authorizes wage claims to be filed by mail or in person. The TWC expends significant staff resources rejecting wage claims that are filed by fax, and the result is to force wage claimants to file their claim again using one of the two allowable methods.

Facsimile transmission is a commonly accepted and reliable method of communication. Allowing wage claimants to file wage claims in this manner not only would reduce the expenditure of staff resources used in rejecting wage claims that are filed by fax, it would also provide wage claimants another method to file wage claims. In addition, at some point in the future TWC may want to permit other methods for filing wage claims, as this could result in significant savings in administrative costs for the program.

H.B. 762 allows TWC to accept a wage claim by fax and to adopt rules to accept a wage claim by other means.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 of this bill.

ANALYSIS

H.B. 762 amends the Labor Code to add faxing a wage claim to a fax number designated by the Texas Workforce Commission or any other means adopted by the commission, by rule, to the methods an employee may use to file a wage claim.

EFFECTIVE DATE

September 1, 2009.