

BILL ANALYSIS

C.S.H.B. 494
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Economic & Small Business Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a person is required to file a wage claim for unpaid wages with the Texas Workforce Commission not later than the 180th day after the date the wages claimed became due for payment. This filing deadline can be problematic because victims of wage theft do not always know that they have the ability to file a formal complaint until after the 180-day deadline has passed. Other states provide a longer period for victims of wage theft to file complaints. C.S.H.B. 494 seeks to address this problem by granting victims of wage theft more flexibility when filing a claim.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 494 amends the Labor Code to extend the deadline by which an employee must file a wage claim for unpaid wages with the Texas Workforce Commission from not later than the 180th day after the date the wages claimed became due for payment to not later than the first anniversary of the date the wages claimed became due for payment. The bill's provisions apply to a wage claim for wages that become due for payment on or after March 5, 2013.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 494 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 61.051(c), Labor Code, is amended to read as follows:

(c) A wage claim must be filed not later than the **second** anniversary of [~~180th day after~~] the date the wages claimed became due for payment. The filing [~~180-day~~] deadline is a matter of jurisdiction.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 61.051(c), Labor Code, is amended to read as follows:

(c) A wage claim must be filed not later than the **first** anniversary of [~~180th day after~~] the date the wages claimed became due for payment. The filing [~~180-day~~] deadline is a matter of jurisdiction.

SECTION 2. The change in law made by this Act to Section 61.051, Labor Code, applies to a wage claim filed under Subchapter D, Chapter 61, Labor Code, for wages that become due for payment on or after March 5, 2013. A wage claim for wages that became due for payment before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.