

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to administrative penalties assessed by the Texas  
3 Workforce Commission against certain employers for failure to pay  
4 wages.

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

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

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

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

- 17 (1) a history of previous violations of this chapter;  
18 (2) failure to pay wages to an employee as required by  
19 this chapter as an act of discrimination or retaliation against the  
20 employee;  
21 (3) failure to pay wages as required by this chapter to  
22 multiple employees at the same time;  
23 (4) failure to pay wages to an employee as required by  
24 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.

4 SECTION 2. This Act takes effect September 1, 2013.