1-1   By: Rodriguez   S.B. No. 340
1-2   (In the Senate - Filed February 1, 2013; February 5, 2013,
1-3   read first time and referred to Committee on Economic Development;
1-4   March 25, 2013, reported adversely, with favorable Committee
1-5   Substitute by the following vote: Yeas 6, Nays 0; March 25, 2013,
1-6   sent to printer.)

1-7   COMMITTEE VOTE

1-8		Yea	Nay	Absent	PNV
1-9	Deuell	X			
1-10	Hancock	X			
1-11	Birdwell	X			
1-12	Davis	X			
1-13	Eltife	X			
1-14	Fraser			X	
1-15	Watson	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 340   By: Deuell

1-17   A BILL TO BE ENTITLED
1-18   AN ACT

1-19 relating to administrative penalties assessed by the Texas
1-20 Workforce Commission against certain employers for failure to pay
1-21 wages.
1-22   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23   SECTION 1. Section 61.053, Labor Code, is amended by
1-24 amending Subsection (a) and adding Subsection (a-1) to read as
1-25 follows:
1-26   (a) If the commission examiner, a wage claim appeal
1-27 tribunal, or the commission determines that an employer acted in
1-28 bad faith in not paying wages as required by this chapter, the
1-29 examiner, tribunal, or commission, in addition to ordering the
1-30 payment of the wages, shall [may] assess an administrative penalty
1-31 against the employer.
1-32   (a-1) For purposes of Subsection (a), acts that constitute
1-33 bad faith by an employer include:
1-34   (1) a history of previous violations of this chapter;
1-35   (2) failure to pay wages to an employee as required by
1-36 this chapter as an act of discrimination or retaliation against the
1-37 employee;
1-38   (3) failure to pay wages as required by this chapter to
1-39 multiple employees at the same time;
1-40   (4) failure to pay wages to an employee as required by
1-41 this chapter knowing that the failure was a violation of state law;
1-42 or
1-43   (5) actions showing reckless disregard of the
1-44 requirements of this chapter.
1-45   SECTION 2. This Act takes effect September 1, 2013.

1-46   * * * * *