

By: Anderson of McLennan

H.B. No. 3685

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the employment status of certain individuals engaged in  
3 rehabilitative work-training programs.

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

5 SECTION 1. Section 201.067, Labor Code, is amended to read  
6 as follows:

7 Sec. 201.067. REHABILITATIVE SERVICE; WORK RELIEF;  
8 EXCEPTION FOR SERVICES PERFORMED BY CERTAIN TRAINED [~~BLIND~~]  
9 INDIVIDUALS. (a) In this subtitle, "employment" does not include  
10 service performed [~~by an individual who~~]:

11 (1) by an individual whose earning capacity is  
12 impaired by age, physical impairment, developmental disability,  
13 mental illness, or intellectual disability or injury [~~receives~~  
14 ~~rehabilitative work or paying work in the employ of a facility that:~~

15 [~~(A) is conducted to carry out a program of~~  
16 ~~rehabilitation for individuals whose earning capacity is impaired~~  
17 ~~by:~~

18 [~~(i) age,~~

19 [~~(ii) physical impairment, other than~~  
20 ~~blindness, or~~

21 [~~(iii) mental deficiency or injury, or~~

22 [~~(B) provides paying work for individuals who,~~  
23 ~~because of their impaired physical or mental capacity, cannot be~~  
24 ~~readily absorbed in the competitive labor market,~~

1           ~~[(2) is blind]~~ while the individual is in training at a  
2 sheltered workshop or other facility operated by a charitable  
3 organization under a rehabilitation program that includes:

4           (A) an individual plan for employment as required  
5 by 29 U.S.C. Section 722, as amended by the Workforce Innovation and  
6 Opportunity Act (Pub. L. No. 113-128);

7           (B) a timeline for completion of the training;  
8 and

9           (C) a planned employment outcome; or

10          (2) by an individual who ~~[(3)]~~ receives work relief or  
11 work training as a part of an unemployment work-relief or  
12 work-training program assisted or financed in whole or in part by a  
13 federal agency, an agency of a state, a political subdivision of a  
14 state, or an Indian tribe.

15          (b) Notwithstanding Subsection (a)(1) ~~[(a)]~~, in this  
16 subtitle "employment" includes service performed by an individual  
17 whose earning capacity is impaired by age, physical impairment,  
18 developmental disability, mental illness, or intellectual  
19 disability or injury, other than an individual compensated as  
20 provided by Section 62.057, ~~[who is blind]~~ and who, after training,  
21 is working for a sheltered workshop or other facility operated by a  
22 charitable organization:

23           (1) temporarily while awaiting placement in a position  
24 of employment in the competitive labor market; or

25           (2) permanently because the individual is unable to  
26 compete in the competitive labor market.

27          SECTION 2. This Act takes effect January 1, 2016.