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

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

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

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

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

[(A)] is conducted to carry out a program of

rehabilitation for individuals whose earning capacity is impaired
by:

[(i)] age;

[(ii)] physical impairment, other than
blindness, or

[(iii)] mental deficiency or injury; or

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

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

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

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

(C) a planned employment outcome; or

(2) by an individual who receives work relief or work training as a part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency, an agency of a state, a political subdivision of a state, or an Indian tribe.

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

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

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

SECTION 2. This Act takes effect January 1, 2016.
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President of the Senate

I certify that H.B. No. 3685 was passed by the House on May 5, 2015, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3685 was passed by the Senate on May 26, 2015, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: _______________________

Date

__________________________
Governor