

By: Anderson of McLennan

H.B. No. 3685

A BILL TO BE ENTITLED

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,~~

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 ~~[who is blind]~~ and who, after training, is  
20 working for a sheltered workshop or other facility operated by a  
21 charitable organization:

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

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

26          SECTION 2. The change in law made by this Act applies only  
27 to a claim for unemployment compensation benefits filed with the

1 Texas Workforce Commission on or after the effective date of this  
2 Act. A claim filed before the effective date of this Act is  
3 governed by the law in effect on the date the claim was filed, and  
4 the former law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect January 1, 2016.