

By: Reynolds

H.B. No. 3957

A BILL TO BE ENTITLED

1 AN ACT
2 relating to recovery by school districts of overpayments of salary
3 to district employees.

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

5 SECTION 1. Subchapter A, Chapter 22, Education Code, is
6 amended by adding Section 22.0011 to read as follows:

7 Sec. 22.0011. SALARY DEDUCTIONS FOR OVERPAYMENTS. (a) A
8 school district that overpays an employee may recover the
9 overpayment through subsequent deductions from the salary paid to
10 the employee only if:

11 (1) the district notifies the employee in writing of
12 the overpayment and the proposed schedule of deductions to recover
13 the overpayment at least two pay periods before the first deduction
14 occurs; and

15 (2) each deduction made to recover the overpayment
16 occurs within one year of the date the overpayment was made.

17 (b) A deduction from an employee's salary for a pay period
18 may not:

19 (1) exceed more than 15 percent of the employee's gross
20 salary earned for that pay period; or

21 (2) reduce the employee's gross salary for that pay
22 period to a rate that is less than the greater of:

23 (A) the federal minimum wage under the Fair Labor
24 Standards Act of 1938 (29 U.S.C. Section 206); or

1 (B) the minimum wage specified in Chapter 62,
2 Labor Code.

3 (c) A school district may not require an employee to waive
4 the application of this section to the employee as a condition of
5 employment.

6 SECTION 2. This Act takes effect September 1, 2015.