

Amend SB 533 on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Chapter 122, Human Resources Code, is amended by adding Sections 122.0075 and 122.0076 to read as follows:

Sec. 122.0075. INCREASE IN WAGES; PLAN. (a) This section applies to a state contract with a community rehabilitation program in which that program:

(1) is participating in the program administered under this chapter; and

(2) pays workers with disabilities employed by the program wages that are less than the federal minimum wage under Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206).

(b) Each state contract with a community rehabilitation program must include terms that allow the community rehabilitation program to obtain from the workforce commission:

(1) assistance in developing a plan to increase the wages paid to the program's workers with disabilities to the federal minimum wage not later than September 1, 2019, for work relating to any products or services purchased from the community rehabilitation program under the state contract; and

(2) on request of the community rehabilitation program or any worker with a disability, assistance to ensure the increase in wages paid to a worker with a disability under the state contract does not affect the worker's eligibility to receive any federal benefits the worker received or was eligible to receive before the wage increase.

(c) Each state contract with a community rehabilitation program must require that the program, to the maximum extent possible, ensure that each worker with a disability remains employed by the program after the program increases the wages paid to those employees as required by the state contract in accordance with the plan developed under Subsection (b).

(d) Each state contract with a community rehabilitation program must require a community rehabilitation program that is unable to employ all workers with a disability after the program increases the wages paid to those employees to the federal minimum

wage, to work with the workforce commission and any other governmental entity to seek and obtain any job training that may be suitable for those former employees to find other employment that pays at least the federal minimum wage.

(e) In addition to the assistance described by Subsection (d), the term of the state contract must allow a worker of the community rehabilitation program to request the workforce commission to assist a worker with a disability not retained by a community rehabilitation program to secure employment in a position that pays at least the federal minimum wage.

(f) On request of a community rehabilitation program, the workforce commission may extend the period for compliance with the program participation requirements of Section 122.0076 for not more than 12 months if the community rehabilitation program:

(1) requests the extension not later than July 1, 2019;

(2) has demonstrated to the commission that an extension would be in the best interest of the program's employees with disabilities;

(3) has worked with the commission to develop a transition plan and made meaningful progress towards meeting the program participation requirements of Section 122.0076; and

(4) submits a revised transition plan to the commission detailing how an extension will allow the program to meet the program participation requirements of Section 122.0076.

(g) The workforce commission shall make a decision on a request for an extension under Subsection (f) not later than September 1, 2019. The commission may not grant more than one extension to a community rehabilitation program.

(h) Not later than January 31, 2019, the workforce commission shall report to the legislature regarding the implementation of this section. The report must include any recommendations for legislative or agency rule changes necessary to assist the commission and community rehabilitation program in performing their duties under this section.

(i) This section expires September 1, 2021.

Sec. 122.0076. WAGE REQUIREMENTS. (a) Each state contract

with a community rehabilitation program participating in the program administered under this chapter must require the community rehabilitation program to pay each worker with a disability employed by the program at least the federal minimum wage under Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206), for any work relating to any products or services purchased from the community rehabilitation program through the program administered under this chapter.

(b) Each state contract with a community rehabilitation program participating in the program administered under this chapter must allow the workforce commission, at the request of a community rehabilitation program or any worker with a disability, to exempt the community rehabilitation program from the requirements of this section with respect to a worker with a disability if the workforce commission determines, based on the program's circumstances, that requiring the program to pay the worker at the federal minimum wage would result in the program not being able to hire or retain the worker with a disability and the worker, based on the worker's circumstances, such as commuting to a particular job site, would not be able to obtain employment at a higher wage than the program would be able to pay the worker notwithstanding the requirements of this section.

(c) To the extent of a conflict between this section and Chapter 62, Labor Code, this section controls.

(d) This section does not apply to a state contract with a community rehabilitation program participating in the program administered under this chapter before the later of:

(1) September 1, 2019; or

(2) the date an extension granted under Section 122.0075(f) expires.

(e) This subsection and Subsection (d) expire September 1, 2021.