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H.B. No. 2409

A BILL TO BE ENTITLED

AN ACT

relating to wage requirements for community rehabilitation programs participating in the purchasing from people with disabilities program.

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

SECTION 1. 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 community rehabilitation program that:

(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) The workforce commission shall assist:

(1) a community rehabilitation program in developing a plan to increase the wages paid to its 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 through the program administered under this chapter; and

(2) a community rehabilitation program and any worker with a disability, on request, to ensure the increase in wages paid to a worker with a disability does not affect the worker's

1 eligibility to receive any federal benefits the worker received or  
2 was eligible to receive before the wage increase.

3 (c) Each community rehabilitation program shall, to the  
4 maximum extent possible, ensure that each worker with a disability  
5 remains employed by the program after the program increases the  
6 wages paid to those employees in accordance with the plan developed  
7 under Subsection (b).

8 (d) If a community rehabilitation program is unable to  
9 employ all workers with a disability after the program increases  
10 the wages paid to those employees to the federal minimum wage, the  
11 community rehabilitation program shall work with the workforce  
12 commission and any other governmental entity to seek and obtain any  
13 job training that may be suitable for those former employees to find  
14 other employment that pays at least the federal minimum wage.

15 (e) In addition to the assistance described by Subsection  
16 (d), the workforce commission may, at the worker's request, assist  
17 a worker with a disability not retained by a community  
18 rehabilitation program to secure employment in a position that pays  
19 at least the federal minimum wage.

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

24 (1) requests the extension not later than July 1,  
25 2019;

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

1 with disabilities;

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

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

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

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

18 (i) This section expires September 1, 2021.

19 Sec. 122.0076. WAGE REQUIREMENTS. (a) A community  
20 rehabilitation program may not participate in the program  
21 administered under this chapter unless each worker with a  
22 disability employed by the program is paid at least the federal  
23 minimum wage under Section 6, Fair Labor Standards Act of 1938 (29  
24 U.S.C. Section 206), for any work relating to any products or  
25 services purchased from the community rehabilitation program  
26 through the program administered under this chapter.

27 (b) The workforce commission, at the request of a community

1 rehabilitation program or any worker with a disability, may exempt  
2 the community rehabilitation program from the requirements of this  
3 section with respect to a worker with a disability if the workforce  
4 commission determines, based on the program's circumstances, that  
5 requiring the program to pay the worker at the federal minimum wage  
6 would result in the program not being able to hire or retain the  
7 worker with a disability and the worker, based on the worker's  
8 circumstances, such as commuting to a particular job site, would  
9 not be able to obtain employment at a higher wage than the program  
10 would be able to pay the worker notwithstanding the requirements of  
11 this section.

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

14 (d) This section does not apply to a community  
15 rehabilitation program's eligibility to participate in the program  
16 administered under this chapter before the later of:

17 (1) September 1, 2019; or

18 (2) the date an extension granted under Section  
19 122.0075(f) expires.

20 (e) This subsection and Subsection (d) expire September 1,  
21 2021.

22 SECTION 2. This Act takes effect September 1, 2017.