

By: Longoria

H.B. No. 2510

A BILL TO BE ENTITLED

AN ACT

relating to employer retaliation against employees who seek recovery of unpaid wages by filing a wage claim with the Texas Workforce Commission.

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

SECTION 1. Subchapter B, Chapter 61, Labor Code, is amended by adding Section 61.021 to read as follows:

Sec. 61.021. EMPLOYER RETALIATION PROHIBITED; COMPLAINT PROCEDURE. (a) An employer may not suspend or terminate the employment of or in any other manner discipline, discriminate against, or retaliate against an employee who in good faith seeks to recover wages owed to the employee by filing a wage claim under Subchapter D.

(b) A person who has reason to believe that an employer has violated Subsection (a) may file a complaint with the commission.

(c) On receipt of a complaint under Subsection (b), the commission shall investigate and dispose of the complaint in the same manner as a wage claim under Subchapter D. The commission may incorporate the investigation into any ongoing investigation of an underlying wage claim filed by the employee, if applicable.

(d) The commission shall ensure that information regarding the complaint process under this section is available on the commission's Internet website.

SECTION 2. Subchapter D, Chapter 61, Labor Code, is amended

1 by adding Section 61.0531 to read as follows:

2 Sec. 61.0531. RETALIATION; DAMAGES. (a) If after an
3 investigation of a complaint under Section 61.021(b) the commission
4 examiner, a wage claim appeal tribunal, or the commission
5 determines that an employer violated Section 61.021(a), the
6 examiner, tribunal, or commission shall order the employer to pay
7 to the employee damages in an amount equal to the greater of:

8 (1) \$1,000; or

9 (2) the amount of wages ordered to be paid in the
10 underlying wage claim, if the payment of wages is ordered in the
11 underlying wage claim.

12 (b) Damages under Subsection (a) are in addition to any
13 payment of wages ordered under this subchapter.

14 SECTION 3. Section 61.0531, Labor Code, as added by this
15 Act, applies only to conduct that occurs on or after the effective
16 date of this Act. Conduct that occurs before that date is governed
17 by the law in effect on the date the conduct occurred, and the
18 former law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect September 1, 2017.