

## **BILL ANALYSIS**

H.B. 83  
By: Romero, Jr.  
International Relations & Economic Development  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the enforcement of state law relating to wage theft. H.B. 83 seeks to standardize that enforcement by requiring the assessment of administrative penalties against employers found to have acted in bad faith and by defining more clearly what constitutes bad faith in the context of wage payment.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 83 amends the Labor Code to replace the authorization for a Texas Workforce Commission (TWC) examiner, a wage claim appeal tribunal, or the TWC to assess an administrative penalty against an employer if the examiner, the tribunal, or the TWC determines that the employer acted in bad faith in not paying wages as required by state law with a requirement for the examiner, the tribunal, or the TWC to do so. The bill establishes that, for purposes of this requirement, acts that constitute bad faith by an employer include the following:

- a history of previous violations of statutory provisions relating to the payment of wages;
- actions showing reckless disregard of the requirements of those statutory provisions;
- failure to pay wages to an employee as an act of discrimination or retaliation against the employee;
- failure to pay wages to multiple employees at the same time; or
- failure to pay wages to an employee knowing that the failure was a violation of state law.

### **EFFECTIVE DATE**

September 1, 2019.