86R1090 LED-D

By:  Romero, Jr. H.B. No. 83

A BILL TO BE ENTITLED

AN ACT

relating to administrative penalties assessed by the Texas Workforce Commission against certain employers for failure to pay wages.

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

SECTION 1.  Section 61.053, Labor Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  If the commission examiner, a wage claim appeal tribunal, or the commission determines that an employer acted in bad faith in not paying wages as required by this chapter, the examiner, tribunal, or commission, in addition to ordering the payment of the wages, shall [~~may~~] assess an administrative penalty against the employer.

(a-1)  For purposes of Subsection (a), acts that constitute bad faith by an employer include:

(1)  a history of previous violations of this chapter;

(2)  failure to pay wages to an employee as required by this chapter as an act of discrimination or retaliation against the employee;

(3)  failure to pay wages as required by this chapter to multiple employees at the same time;

(4)  failure to pay wages to an employee as required by this chapter knowing that the failure was a violation of state law; or

(5)  actions showing reckless disregard of the requirements of this chapter.

SECTION 2.  This Act takes effect September 1, 2019.