By:  Huffman, Hughes S.B. No. 753

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.  MINIMUM WAGE 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, 2022, 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 by providing:

(A)  information about certified benefits counselors to ensure that workers are informed about work incentives and the potential impact the increase in wages may have on a worker's eligibility for any federal or state benefit program; and

(B)  a referral to a certified benefits counselor to any worker with a disability who requests a referral.

(c)  Each community rehabilitation program shall, 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 in accordance with the plan developed under Subsection (b).

(d)  If a community rehabilitation program is unable to employ all workers with a disability after the program increases the wages paid to those employees to the federal minimum wage, the community rehabilitation program shall work with the workforce commission and any other governmental entity to seek and obtain any job training and employment services 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 workforce commission may, at the worker's request, 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 March 1, 2022;

(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 toward 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 May 1, 2022. The commission may not grant more than one extension to a community rehabilitation program.

(h)  This section expires September 1, 2023.

Sec. 122.0076.  WAGE REQUIREMENTS. (a)  A community rehabilitation program may not participate in the program administered under this chapter unless each worker with a disability employed by the program is paid 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)  The workforce commission may 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 worker's circumstances, that requiring the program to pay the worker at the federal minimum wage would result in the program not being able to retain the worker with a disability, the worker would not have success obtaining work with a different employer, and the worker, based on the worker's circumstances, 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 community rehabilitation program's eligibility to participate in the program administered under this chapter before the later of:

(1)  September 1, 2022; or

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

(e)  This subsection and Subsection (d) expire September 1, 2023.

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