86R2198 LED-D

By:  Hinojosa S.B. No. 1484

A BILL TO BE ENTITLED

AN ACT

relating to the required earnings statement provided by employers; creating civil liability; providing an administrative penalty.

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

SECTION 1.  Section 62.003, Labor Code, is transferred to Subchapter B, Chapter 61, Labor Code, redesignated as Section 61.0181, Labor Code, and amended to read as follows:

Sec. 61.0181 [~~62.003~~].  EARNINGS STATEMENT; CIVIL LIABILITY AND ADMINISTRATIVE PENALTY. (a) At the end of each pay period, an employer shall give each employee a written or electronic earnings statement covering the pay period.

(b)  An earnings statement must be signed by the employer or the employer's agent and must show:

(1)  the name of the employee;

(2)  the rate of pay;

(3)  the total amount of pay earned by the employee during the pay period;

(4)  any deduction made from the employee's pay and the purpose of the deduction;

(5)  the amount of pay after all deductions are made; and

(6)  the total number of:

(A)  hours worked by the employee if the employee's pay is computed by the hour; or

(B)  units produced by the employee during the pay period if the employee's pay is computed on a piece rate.

(c)  An earnings statement may be in any form determined by the employer. The information required by Subsection (b) may be stated on a check voucher or bank draft given to an employee for the employee's wages. An employer who gives an electronic earnings statement shall take reasonable measures to protect, secure, and, if appropriate, encrypt the information required by Subsection (b).

(c-1)  Except as provided by Subsection (c-2), an employer who fails to give a written or electronic earnings statement is liable to the affected employee in the amount of:

(1)  $50 for the first pay period in which the employer fails to give a written or electronic earnings statement; and

(2)  $100 for each subsequent pay period in which the employer fails to give a written or electronic earnings statement.

(c-2)  An employer is not liable for more than $4,000 under Subsection (c-1).

(c-3)  A court shall award costs and reasonable attorney's fees to an employee who prevails in an action described by Subsection (c-1).

(c-4)  If the commission determines that an employer has failed to give a written or electronic earnings statement for a pay period, the commission may assess an administrative penalty against the employer in the amount of:

(1)  $250 per employee for the first pay period in which the employer fails to give a written or electronic earnings statement; and

(2)  $1,000 per employee for each subsequent pay period in which the employer fails to give a written or electronic earnings statement.

(d)  In this section, "pay period" means the period that an employee works for which salary or wages are regularly paid under the employee's employment agreement.

SECTION 2.  Section 62.053, Labor Code, is amended to read as follows:

Sec. 62.053.  COST OF MEALS OR LODGING. In computing the wage paid to an employee, an employer may include the reasonable cost to the employer of furnishing meals, lodging, or both to the employee if:

(1)  meals or lodging customarily are furnished by the employer to employees; and

(2)  the cost of the meals and lodging are separately stated and identified in the earnings statement furnished to the employee under Section 61.0181 [~~62.003~~].

SECTION 3.  This Act takes effect September 1, 2019.