

By: Raney, Stucky, Anchia, Harless, Lambert,
et al.

H.B. No. 885

Substitute the following for H.B. No. 885:

By: Frullo

C.S.H.B. No. 885

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

1 incentives and the potential impact the increase in wages may have
2 on a worker's eligibility for any federal or state benefit program;
3 and

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

6 (c) Each community rehabilitation program shall, to the
7 maximum extent possible, ensure that each worker with a disability
8 remains employed by the program after the program increases the
9 wages paid to those employees in accordance with the plan developed
10 under Subsection (b).

11 (d) If a community rehabilitation program is unable to
12 employ all workers with a disability after the program increases
13 the wages paid to those employees to the federal minimum wage, the
14 community rehabilitation program shall work with the workforce
15 commission and any other governmental entity to seek and obtain any
16 job training and employment services that may be suitable for those
17 former employees to find other employment that pays at least the
18 federal minimum wage.

19 (e) In addition to the assistance described by Subsection
20 (d), the workforce commission may, at the worker's request, assist
21 a worker with a disability not retained by a community
22 rehabilitation program to secure employment in a position that pays
23 at least the federal minimum wage.

24 (f) On request of a community rehabilitation program, the
25 workforce commission may extend the period for compliance with the
26 program participation requirements of Section 122.0076 for not more
27 than 12 months if the community rehabilitation program:

1 (1) requests the extension not later than March 1,
2 2022;

3 (2) has demonstrated to the commission that an
4 extension would be in the best interest of the program's employees
5 with disabilities;

6 (3) has worked with the commission to develop a
7 transition plan and made meaningful progress toward meeting the
8 program participation requirements of Section 122.0076; and

9 (4) submits a revised transition plan to the
10 commission detailing how an extension will allow the program to
11 meet the program participation requirements of Section 122.0076.

12 (g) The workforce commission shall make a decision on a
13 request for an extension under Subsection (f) not later than May 1,
14 2022. The commission may not grant more than one extension to a
15 community rehabilitation program.

16 (h) This section expires September 1, 2023.

17 Sec. 122.0076. WAGE REQUIREMENTS. (a) A community
18 rehabilitation program may not participate in the program
19 administered under this chapter unless each worker with a
20 disability employed by the program is paid at least the federal
21 minimum wage under Section 6, Fair Labor Standards Act of 1938 (29
22 U.S.C. Section 206), for any work relating to any products or
23 services purchased from the community rehabilitation program
24 through the program administered under this chapter.

25 (b) The workforce commission may exempt the community
26 rehabilitation program from the requirements of this section with
27 respect to a worker with a disability if the workforce commission

1 determines, based on the worker's circumstances, that requiring the
2 program to pay the worker at the federal minimum wage would result
3 in the program not being able to retain the worker with a
4 disability, the worker would not have success obtaining work with a
5 different employer, and the worker, based on the worker's
6 circumstances, would not be able to obtain employment at a higher
7 wage than the program would be able to pay the worker
8 notwithstanding the requirements of this section.

9 (c) To the extent of a conflict between this section and
10 Chapter 62, Labor Code, this section controls.

11 (d) This section does not apply to a community
12 rehabilitation program's eligibility to participate in the program
13 administered under this chapter before the later of:

14 (1) September 1, 2022; or

15 (2) the date an extension granted under Section
16 122.0075(f) expires.

17 (e) This subsection and Subsection (d) expire September 1,
18 2023.

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