

By: Rosenthal

H.B. No. 2946

A BILL TO BE ENTITLED

1 AN ACT

2 relating to repealing the authority for the payment of a subminimum  
3 wage to certain persons with disabilities.

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

5 SECTION 1. Sections 62.057 and 62.161, Labor Code, are  
6 repealed.

7 SECTION 2. Section 62.051, Labor Code, is amended to read as  
8 follows:

9 Sec. 62.051. MINIMUM WAGE. An [~~Except as provided by~~  
10 ~~Section 62.057, an~~] employer shall pay to each employee the federal  
11 minimum wage under Section 6, Fair Labor Standards Act of 1938 (29  
12 U.S.C. Section 206).

13 SECTION 3. Section 201.067(b), Labor Code, is amended to  
14 read as follows:

15 (b) Notwithstanding Subsection (a)(1), in this subtitle  
16 "employment" includes service performed by an individual whose  
17 earning capacity is impaired by age, physical impairment,  
18 developmental disability, mental illness, or intellectual  
19 disability or injury [~~, other than an individual compensated as~~  
20 ~~provided by Section 62.057,~~] and who, after training, is working  
21 for a sheltered workshop or other facility operated by a charitable  
22 organization:

23 (1) temporarily while awaiting placement in a position  
24 of employment in the competitive labor market; or

1           (2) permanently because the individual is unable to  
2 compete in the competitive labor market.

3           SECTION 4. Section 122.0057(i), Human Resources Code, is  
4 amended to read as follows:

5           (i) In developing the performance measures under Subsection  
6 (h), the advisory committee must consider the following factors as  
7 applicable to the program administered under this chapter:

8           (1) the percentage of total sales revenue attributable  
9 to the program:

10           (A) paid in wages to persons with disabilities;  
11 and

12           (B) spent on direct training and professional  
13 development services for persons with disabilities;

14           (2) the average hourly wage earned by a person  
15 participating in the program;

16           (3) the average annual salary earned by a person  
17 participating in the program;

18           (4) ~~[the number of persons with disabilities~~  
19 ~~participating in the program paid less than minimum wage;~~

20           ~~[(5)]~~ the average number of hours worked each week by a  
21 person with a disability who participates in the program;

22           (5) ~~[(6)]~~ the percentage of persons with disabilities  
23 who participate in the program and who are placed into competitive  
24 positions, including competitive management or administrative  
25 positions within community rehabilitation programs; and

26           (6) ~~[(7)]~~ the percentage of work performed by persons  
27 with disabilities who participate in the program that is purely

1 repackaging labor.

2           SECTION 5. The change in law made by this Act applies only  
3 to the payment of wages for a pay period that begins on or after the  
4 effective date of this Act. The payment of wages for a pay period  
5 that begins before the effective date of this Act is governed by the  
6 law as it existed immediately before the effective date of this Act,  
7 and that law is continued in effect for that purpose.

8           SECTION 6. This Act takes effect September 1, 2019.