

By: Walle

H.B. No. 4616

A BILL TO BE ENTITLED

AN ACT

relating to methods of calculating the minimum wage paid to an employee.

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

SECTION 1. Section 62.051, Labor Code, is amended to read as follows:

Sec. 62.051. MINIMUM WAGE. (a) Except as provided by Section 62.057, an employer shall pay to each employee who is not exempt under the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) at least the federal minimum wage under Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206) for each hour the employee works.

(b) For the purpose of calculating the minimum wage paid to an employee, an employer may not use a method that:

(1) guarantees weekly pay for a variable number of hours; or

(2) establishes a fixed salary for fluctuating hours in a workweek.

SECTION 2. Section 62.151, Labor Code, is amended to read as follows:

Sec. 62.151. PERSON COVERED BY FEDERAL ACT. A [This chapter and a] municipal ordinance or charter provision governing wages in private employment, other than wages under a public contract, does ~~do~~ not apply to a person covered by the Fair Labor Standards Act

H.B. No. 4616

1 of 1938 (29 U.S.C. Section 201 et seq.).

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