

By: Huffman

S.B. No. 753

A BILL TO BE ENTITLED

1 AN ACT
2 relating to wage requirements for community rehabilitation
3 programs participating in the purchasing from people with
4 disabilities program.

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

6 SECTION 1. Chapter 122, Human Resources Code, is amended by
7 adding Sections 122.0075 and 122.0076 to read as follows:

8 Sec. 122.0075. MINIMUM WAGE PLAN. (a) This section applies
9 to a community rehabilitation program that:

10 (1) is participating in the program administered under
11 this chapter; and

12 (2) pays workers with disabilities employed by the
13 program wages that are less than the federal minimum wage under
14 Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206).

15 (b) The workforce commission shall assist:

16 (1) a community rehabilitation program in developing a
17 plan to increase the wages paid to its workers with disabilities to
18 the federal minimum wage not later than September 1, 2022, for work
19 relating to any products or services purchased from the community
20 rehabilitation program through the program administered under this
21 chapter; and

22 (2) a community rehabilitation program and any worker
23 with a disability, on request, to ensure the increase in wages paid
24 to a worker with a disability does not affect the worker's

1 eligibility to receive any federal benefits the worker received or
2 was eligible to receive before the wage increase.

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

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

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

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

25 (1) requests the extension not later than March 1,
26 2022;

27 (2) has demonstrated to the commission that an

1 extension would be in the best interest of the program's employees
2 with disabilities;

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

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

9 (g) The workforce commission shall make a decision on a
10 request for an extension under Subsection (f) not later than May 1,
11 2022. The commission may not grant more than one extension to a
12 community rehabilitation program.

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

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

22 (b) The workforce commission may exempt the community
23 rehabilitation program from the requirements of this section with
24 respect to a worker with a disability if the workforce commission
25 determines, based on the worker's circumstances, that requiring the
26 program to pay the worker at the federal minimum wage would result
27 in the program not being able to retain the worker with a

1 disability, the worker would not have success obtaining work with a
2 different employer, and the worker, based on the worker's
3 circumstances, would not be able to obtain employment at a higher
4 wage than the program would be able to pay the worker
5 notwithstanding the requirements of this section.

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

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

11 (1) September 1, 2022; or

12 (2) the date an extension granted under Section
13 122.0075(f) expires.

14 (e) This subsection and Subsection (d) expire September 1,
15 2023.

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