

1-1 By: Huffman S.B. No. 753  
 1-2 (In the Senate - Filed February 11, 2019; March 1, 2019,  
 1-3 read first time and referred to Committee on Natural Resources &  
 1-4 Economic Development; April 8, 2019, reported adversely, with  
 1-5 favorable Committee Substitute by the following vote: Yeas 9,  
 1-6 Nays 0; April 8, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15			X	
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 753 By: Flores

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to wage requirements for community rehabilitation  
 1-24 programs participating in the purchasing from people with  
 1-25 disabilities program.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Chapter 122, Human Resources Code, is amended by  
 1-28 adding Sections 122.0075 and 122.0076 to read as follows:

1-29 Sec. 122.0075. MINIMUM WAGE PLAN. (a) This section  
 1-30 applies to a community rehabilitation program that:

1-31 (1) is participating in the program administered under  
 1-32 this chapter; and

1-33 (2) pays workers with disabilities employed by the  
 1-34 program wages that are less than the federal minimum wage under  
 1-35 Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206).

1-36 (b) The workforce commission shall assist:

1-37 (1) a community rehabilitation program in developing a  
 1-38 plan to increase the wages paid to its workers with disabilities to  
 1-39 the federal minimum wage not later than September 1, 2022, for work  
 1-40 relating to any products or services purchased from the community  
 1-41 rehabilitation program through the program administered under this  
 1-42 chapter; and

1-43 (2) a community rehabilitation program by providing:

1-44 (A) information about certified benefits  
 1-45 counselors to ensure that workers are informed about work  
 1-46 incentives and the potential impact the increase in wages may have  
 1-47 on a worker's eligibility for any federal or state benefit program;  
 1-48 and

1-49 (B) a referral to a certified benefits counselor  
 1-50 to any worker with a disability who requests a referral.

1-51 (c) Each community rehabilitation program shall, to the  
 1-52 maximum extent possible, ensure that each worker with a disability  
 1-53 remains employed by the program after the program increases the  
 1-54 wages paid to those employees in accordance with the plan developed  
 1-55 under Subsection (b).

1-56 (d) If a community rehabilitation program is unable to  
 1-57 employ all workers with a disability after the program increases  
 1-58 the wages paid to those employees to the federal minimum wage, the  
 1-59 community rehabilitation program shall work with the workforce  
 1-60 commission and any other governmental entity to seek and obtain any

2-1 job training and employment services that may be suitable for those  
2-2 former employees to find other employment that pays at least the  
2-3 federal minimum wage.

2-4 (e) In addition to the assistance described by Subsection  
2-5 (d), the workforce commission may, at the worker's request, assist  
2-6 a worker with a disability not retained by a community  
2-7 rehabilitation program to secure employment in a position that pays  
2-8 at least the federal minimum wage.

2-9 (f) On request of a community rehabilitation program, the  
2-10 workforce commission may extend the period for compliance with the  
2-11 program participation requirements of Section 122.0076 for not more  
2-12 than 12 months if the community rehabilitation program:

2-13 (1) requests the extension not later than March 1,  
2-14 2022;

2-15 (2) has demonstrated to the commission that an  
2-16 extension would be in the best interest of the program's employees  
2-17 with disabilities;

2-18 (3) has worked with the commission to develop a  
2-19 transition plan and made meaningful progress toward meeting the  
2-20 program participation requirements of Section 122.0076; and

2-21 (4) submits a revised transition plan to the  
2-22 commission detailing how an extension will allow the program to  
2-23 meet the program participation requirements of Section 122.0076.

2-24 (g) The workforce commission shall make a decision on a  
2-25 request for an extension under Subsection (f) not later than May 1,  
2-26 2022. The commission may not grant more than one extension to a  
2-27 community rehabilitation program.

2-28 (h) This section expires September 1, 2023.

2-29 Sec. 122.0076. WAGE REQUIREMENTS. (a) A community  
2-30 rehabilitation program may not participate in the program  
2-31 administered under this chapter unless each worker with a  
2-32 disability employed by the program is paid at least the federal  
2-33 minimum wage under Section 6, Fair Labor Standards Act of 1938 (29  
2-34 U.S.C. Section 206), for any work relating to any products or  
2-35 services purchased from the community rehabilitation program  
2-36 through the program administered under this chapter.

2-37 (b) The workforce commission may exempt the community  
2-38 rehabilitation program from the requirements of this section with  
2-39 respect to a worker with a disability if the workforce commission  
2-40 determines, based on the worker's circumstances, that requiring the  
2-41 program to pay the worker at the federal minimum wage would result  
2-42 in the program not being able to retain the worker with a  
2-43 disability, the worker would not have success obtaining work with a  
2-44 different employer, and the worker, based on the worker's  
2-45 circumstances, would not be able to obtain employment at a higher  
2-46 wage than the program would be able to pay the worker  
2-47 notwithstanding the requirements of this section.

2-48 (c) To the extent of a conflict between this section and  
2-49 Chapter 62, Labor Code, this section controls.

2-50 (d) This section does not apply to a community  
2-51 rehabilitation program's eligibility to participate in the program  
2-52 administered under this chapter before the later of:

2-53 (1) September 1, 2022; or

2-54 (2) the date an extension granted under Section  
2-55 122.0075(f) expires.

2-56 (e) This subsection and Subsection (d) expire September 1,  
2-57 2023.

2-58 SECTION 2. This Act takes effect September 1, 2019.

2-59 \* \* \* \* \*