

By: Hinojosa

S.B. No. 1484

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the required earnings statement provided by employers;
3 creating civil liability; providing an administrative penalty.

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

5 SECTION 1. Section 62.003, Labor Code, is transferred to
6 Subchapter B, Chapter 61, Labor Code, redesignated as Section
7 61.0181, Labor Code, and amended to read as follows:

8 Sec. 61.0181 [~~62.003~~]. EARNINGS STATEMENT; CIVIL LIABILITY
9 AND ADMINISTRATIVE PENALTY. (a) At the end of each pay period, an
10 employer shall give each employee a written or electronic earnings
11 statement covering the pay period.

12 (b) An earnings statement must be signed by the employer or
13 the employer's agent and must show:

14 (1) the name of the employee;
15 (2) the rate of pay;
16 (3) the total amount of pay earned by the employee
17 during the pay period;

18 (4) any deduction made from the employee's pay and the
19 purpose of the deduction;

20 (5) the amount of pay after all deductions are made;
21 and

22 (6) the total number of:
23 (A) hours worked by the employee if the
24 employee's pay is computed by the hour; or

1 (B) units produced by the employee during the pay
2 period if the employee's pay is computed on a piece rate.

3 (c) An earnings statement may be in any form determined by
4 the employer. The information required by Subsection (b) may be
5 stated on a check voucher or bank draft given to an employee for the
6 employee's wages. An employer who gives an electronic earnings
7 statement shall take reasonable measures to protect, secure, and,
8 if appropriate, encrypt the information required by Subsection (b).

9 (c-1) Except as provided by Subsection (c-2), an employer
10 who fails to give a written or electronic earnings statement is
11 liable to the affected employee in the amount of:

12 (1) \$50 for the first pay period in which the employer
13 fails to give a written or electronic earnings statement; and

14 (2) \$100 for each subsequent pay period in which the
15 employer fails to give a written or electronic earnings statement.

16 (c-2) An employer is not liable for more than \$4,000 under
17 Subsection (c-1).

18 (c-3) A court shall award costs and reasonable attorney's
19 fees to an employee who prevails in an action described by
20 Subsection (c-1).

21 (c-4) If the commission determines that an employer has
22 failed to give a written or electronic earnings statement for a pay
23 period, the commission may assess an administrative penalty against
24 the employer in the amount of:

25 (1) \$250 per employee for the first pay period in which
26 the employer fails to give a written or electronic earnings
27 statement; and

1 (2) \$1,000 per employee for each subsequent pay period
2 in which the employer fails to give a written or electronic earnings
3 statement.

4 (d) In this section, "pay period" means the period that an
5 employee works for which salary or wages are regularly paid under
6 the employee's employment agreement.

7 SECTION 2. Section 62.053, Labor Code, is amended to read as
8 follows:

9 Sec. 62.053. COST OF MEALS OR LODGING. In computing the
10 wage paid to an employee, an employer may include the reasonable
11 cost to the employer of furnishing meals, lodging, or both to the
12 employee if:

13 (1) meals or lodging customarily are furnished by the
14 employer to employees; and

15 (2) the cost of the meals and lodging are separately
16 stated and identified in the earnings statement furnished to the
17 employee under Section 61.0181 [~~62.003~~].

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