

By: Paxton
(Bell of Montgomery)

S.B. No. 2077

A BILL TO BE ENTITLED

AN ACT

relating to a redetermination of a preliminary wage determination order by the Texas Workforce Commission.

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

SECTION 1. Subchapter D, Chapter 61, Labor Code, is amended by adding Section 61.0521 to read as follows:

Sec. 61.0521. REDETERMINATION BY EXAMINER. (a) If an examiner discovers an error in connection with a preliminary wage determination order or discovers additional information not previously available, the examiner, within the period specified by Section 61.054, may reconsider and redetermine the order.

(b) An examiner's redetermination of a preliminary wage determination order replaces the original order and becomes final unless either party requests a hearing under Section 61.054.

SECTION 2. Sections 61.054 and 61.055, Labor Code, are amended to read as follows:

Sec. 61.054. REQUEST FOR HEARING ON PRELIMINARY ORDER.

(a) Either party may request a hearing before a wage claim appeal tribunal to appeal a preliminary wage determination or redetermination order made under Section 61.052 or 61.0521.

(b) The request for hearing must be made in writing not later than the 21st day after the date the commission examiner mails the notice of the preliminary wage determination or redetermination order, as applicable.

1 Sec. 61.055. PRELIMINARY ORDER FINAL IF HEARING NOT
2 REQUESTED. If neither party requests a hearing to appeal a
3 preliminary wage determination or redetermination order within the
4 period prescribed by Section 61.054, the order becomes the final
5 order of the commission for all purposes, and neither party is
6 entitled to judicial review of the order under this subchapter.

7 SECTION 3. The changes in law made by this Act apply to a
8 wage claim filed under Subchapter D, Chapter 61, Labor Code, on or
9 after the effective date of this Act. A wage claim filed before
10 that date is governed by the law in effect on the date the claim was
11 filed, and the former law is continued in effect for that purpose.

12 SECTION 4. This Act takes effect September 1, 2019.