

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**February 22, 2019**

**TO:** Honorable Rafael Anchia, Chair, House Committee on International Relations & Economic Development

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB106** by Rodriguez (Relating to employer retaliation against employees who seek recovery of unpaid wages and procedures in wage claim hearings conducted by the Texas Workforce Commission.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB106, As Introduced: an impact of \$0 through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	\$0
2021	\$0
2022	\$0
2023	\$0
2024	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable (Cost) from Unempl Comp Sp Adm Acct 165</b>	<b>Change in Number of State Employees from FY 2019</b>
2020	(\$227,133)	2.8
2021	(\$212,853)	2.8
2022	(\$212,853)	2.8
2023	(\$212,853)	2.8
2024	(\$212,853)	2.8

**Fiscal Analysis**

The bill would amend the Labor Code relating to employer retaliation against employees who seek

recovery of unpaid wages and procedures in wage claim hearings conducted by the Texas Workforce Commission (TWC).

The bill would prohibit an employer from retaliating against an employee who in good faith seeks to recover wage owed to the employee. The bill would allow an employee to file a complaint with TWC for suspected employer retaliation. The bill would require TWC to investigate complaints and post the complaint process online.

The bill allows an employee who is the subject of an adverse employment action to bring a suit against the employer, including an action in a district court for appropriate injunctive relief.

The bill would take effect September 1, 2019.

### **Methodology**

Based on information provided by TWC, it is estimated that implementing the provisions of the bill would result in an additional 324 retaliation complaints annually in the agency's Labor Law Enforcement program. This analysis assumes TWC would require 2.8 Full-Time-Equivalent (FTE) positions per year to handle the increased workload. This analysis estimates that these FTEs would require recurring costs of \$145,558 in salaries, \$2,183 in payroll contribution costs, and \$48,660 in related support and benefit costs each fiscal year. Additional program costs include one-time costs of \$14,280 for new staff workstations, and recurring costs of \$6,000 for other related operating expenses, \$2,469 for professional services, and \$7,983 for rental space and computer leases.

According to the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

### **Technology**

This analysis estimates recurring technology costs of \$1,428 each fiscal year related to the computer leases for the new FTEs required to implement the provisions of the bill.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 320 Texas Workforce Commission

**LBB Staff:** WP, CLo, SGr, CP