

By: Romero, Jr.

H.B. No. 1549

A BILL TO BE ENTITLED

1 AN ACT
2 relating to administrative penalties assessed by the Texas
3 Workforce Commission against certain employers for failure to pay
4 wages.

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

6 SECTION 1. Section 61.053, Labor Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) If the commission examiner, a wage claim appeal
10 tribunal, or the commission determines that an employer acted in
11 bad faith in not paying wages as required by this chapter, the
12 examiner, tribunal, or commission, in addition to ordering the
13 payment of the wages, shall ~~may~~ assess an administrative penalty
14 against the employer.

15 (a-1) For purposes of Subsection (a), acts that constitute
16 bad faith by an employer include:

17 (1) a history of previous violations of this chapter;

18 (2) failure to pay wages to an employee as required by
19 this chapter as an act of discrimination or retaliation against the
20 employee;

21 (3) failure to pay wages as required by this chapter to
22 multiple employees at the same time;

23 (4) failure to pay wages to an employee as required by
24 this chapter knowing that the failure was a violation of state law;

1 or

2 (5) actions showing reckless disregard of the
3 requirements of this chapter, including:

4 (A) repeatedly:

5 (i) failing to reply to correspondence from
6 a commission examiner, wage claim appeal tribunal, or the
7 commission related to a wage claim; or

8 (ii) refusing to participate in the wage
9 claim process;

10 (B) issuing a check for the payment of wages from
11 an account that is closed or has insufficient funds;

12 (C) stopping payment of a check issued to an
13 employee for the payment of wages; or

14 (D) unreasonably withholding or delaying payment
15 of wages, including by conditioning the payment of wages owed on the
16 performance of additional work.

17 SECTION 2. This Act takes effect September 1, 2023.