

## **BILL ANALYSIS**

Senate Research Center

S.B. 740  
By: Carona  
Economic Development  
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As Filed

### **DIGEST**

Currently, the final level of administrative appeal for a payday law claim is that of the Appeal Tribunal hearing officer. The losing party must either accept the decision or go to court. Although it is possible to file a motion for rehearing, the motion is decided by the same hearing officer who ruled against the movant. Allowing an additional level of appeal would give the Texas Workforce Commission an additional chance to make a legally supportable decision and would increase the chance that a losing party would feel that there had been a full opportunity to present the facts of the case. This bill will authorize parties to seek review by the commission of an order and will set forth procedures for the review.

### **PURPOSE**

As proposed, S.B. 740 authorizes parties to seek review by the Texas Workforce Commission of an order in an administrative proceeding regarding the payment of wages and sets forth procedures for the review.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 61.061(a), and (c), Labor Code, to require the Texas Workforce Commission (commission) or its designee to mail to each party to an appeal notice of the parties' right to seek review of the order by the commission, rather than judicial review. Provides that the order becomes final 14 days after the date on which it is mailed unless before that date a party to the appeal files for review of the order by the commission, rather than files a written motion for rehearing.

SECTION 2. Amends Chapter 61D, Labor Code, by adding Section 61.0615, as follows:

Sec. 61.0615. COMMISSION REVIEW OF ADMINISTRATIVE HEARING. Provides that review of an administrative order by the commission under this subchapter is subject to the rules and procedures used by the commission in reviewing a decision by an appeal tribunal regarding a claim for unemployment compensation. Authorizes the commission to take certain actions. Requires the commission to promptly mail to the parties before it certain items. Provides that a decision of the commission becomes final 14 days after the date the decision is mailed unless certain conditions are met before that date. Provides that if a motion for rehearing is denied by the commission, the decision of the commission becomes the final order of the commission 14 days after the date the commission denied the motion, unless before that date, the commission reopens the appeal.

SECTION 3. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 4. Emergency clause.