

BILL ANALYSIS

Senate Research Center
81R5515 ALB-F

S.B. 741
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Economic Development
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a person is allowed 180 days to file a wage claim with the Texas Workforce Commission (TWC). If a wage claim is filed after the 180-day deadline, TWC will send the wage claim back to the claimant indicating that the wage claim was filed after the 180-day deadline. The Texas Supreme Court ruled that it was not clear that the 180-day deadline is jurisdictional and that if TWC returns a claim because it was filed after the deadline, TWC is making a determination on the merits of the claim. Therefore, a claimant is unable to pursue their wage claim in court if TWC makes a determination that the wage claim was filed after the 180-day jurisdictional deadline.

As proposed, S.B. 741 amends Section 61.051(c), Labor Code, to state that the 180-day deadline to file a wage claim is a matter of jurisdiction. This bill amends Section 61.052, Labor Code, to require the dismissal of wage claims that are filed later than the 180-day deadline.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.051(c), Labor Code, to require that a wage claim be filed not later than the 180th day after the date the wages claimed became due for payment. Provides that the 180-day deadline is a matter of jurisdiction.

SECTION 2. Amends Section 61.052, Labor Code, by adding Subsection (b-1), to require the examiner, if a wage claim is filed later than the date described by Section 61.051(c), to dismiss the wage claim for lack of jurisdiction.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.