

BILL ANALYSIS

Senate Research Center
86R12819 SMT-F

S.B. 2077
By: Paxton
Natural Resources & Economic Development
4/8/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 212.054, Labor Code, allows for an examiner to issue a redetermination from an unemployment determination if there is an error or upon the discovery of new information. The examiner has 14 days from the mailing date of the original determination, up until that determination becomes final, to issue the redetermination. No similar provision exists in Chapter 61 of the Labor Code.

S.B. 2077 provides labor law investigators with similar authority to allow an examiner to reconsider and re-determine the preliminary wage determination order if an examiner discovers an error or additional information not previously available when the determination was made.

This is necessary in order to allow for a full and factually correct wage determination order rendered to the parties when an error is made or additional information becomes available before the appeal deadline. Accurate and fully developed wage determination orders promote the legislative intent of robust due process proceedings for all parties to a wage dispute under the Texas Payday Law.

As proposed, S.B. 2077 amends current law relating to a redetermination of a preliminary wage determination order by the Texas Workforce Commission.

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 Subchapter D, Chapter 61, Labor Code, by adding Section 61.0521, as follows:

Sec. 61.0521. REDETERMINATION BY EXAMINER. (a) Authorizes an examiner, if the examiner discovers an error in connection with a preliminary wage determination order or discovers additional information not previously available, to reconsider and redetermine the order within the period specified by Section 61.054 (Request For Hearing on Preliminary Order).

(b) Provides that 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. Amends Sections 61.054 and 61.055, Labor Code, as follows:

Sec. 61.054. REQUEST FOR HEARING ON PRELIMINARY ORDER. (a) Authorizes either party to request a hearing before a wage claim appeal tribunal to appeal a preliminary wage determination or redetermination order made under Section 61.052 (Preliminary Wage Determination Order) or 61.0521, rather than a preliminary wage determination order made under Section 61.052.

(b) Requires the request for hearing to be made in writing not later than the 21st day after the date the Texas Workforce Commission examiner mails the notice of the preliminary wage determination or redetermination order, as applicable, rather than the preliminary wage determination order.

Sec. 61.055. PRELIMINARY ORDER FINAL IF HEARING NOT REQUESTED.
Makes a conforming change to this section.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.