

1 **CHAPTER 821. TEXAS PAYDAY RULES**

2
3 **PROPOSED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**
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7 **ON AUGUST 22, 2017, THE TEXAS WORKFORCE COMMISSION PROPOSED THE**
8 **BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER.**

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10 Estimated Publication Date of the Proposal in the *Texas Register*: **September 8, 2017**
11 Estimated End of Comment Period: **October 9, 2017**
12

13 The Texas Workforce Commission (TWC) proposes amendments to the following sections of
14 Chapter 821, relating to Texas Payday Rules:

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16 Subchapter C. Wage Claims, §821.41 and §821.42
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- 18 PART I. PURPOSE, BACKGROUND, AND AUTHORITY
- 19 PART II. EXPLANATION OF INDIVIDUAL PROVISIONS
- 20 PART III. IMPACT STATEMENTS
- 21 PART IV. COORDINATION ACTIVITIES

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23 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

24 The purpose of the proposed Chapter 821 rule change is to facilitate implementation of House
25 Bill (HB 2443), 85th Texas Legislature, Regular Session (2017), relating to the electronic filing
26 of wage claims under the Texas Payday Act (Act).
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28 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

29 (Note: Minor editorial changes are made that do not change the meaning of the rules and,
30 therefore, are not discussed in the Explanation of Individual Provisions.)
31

32 **SUBCHAPTER C. WAGE CLAIMS**

33 **TWC proposes the following amendments to Subchapter C:**
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35 **§821.41. Validity of Claim/Filing and Investigative Procedures**

36 Section 821.41 is amended to add electronic submission of wage claims, through methods
37 approved by TWC, as an additional way that a worker can file a claim for unpaid wages.
38 Currently, Texas workers can submit claims for unpaid wages to TWC in person at their nearest
39 Workforce Solutions Office, by mailing a wage claim form to TWC at a designated address, or
40 by faxing a claim to a fax number designated by TWC. HB 2443 envisioned that, with advances
41 in technology, TWC would better serve Texans by offering an electronic option for the public to
42 submit wage claims. The proposed rule amendment comports with the intent of the statute to
43 afford electronic wage claim submittal to Texas workers seeking that option while allowing
44 TWC flexibility in the future to leverage as yet undeveloped or under-developed technologies
45 related to electronic wage claim filing and management.
46

1 **§821.42. Timeliness**

2 Section 821.42 is amended to conform the timeliness requirements of wage claim filing to the
3 new electronic submission mechanism mandated in HB 2443. Since TWC will be required to
4 accept wage claims submitted electronically on or after January 1, 2018, it will be necessary to
5 amend §821.42 to stipulate that a wage claim submitted electronically is deemed timely when it
6 is received by TWC.
7

8 **PART III. IMPACT STATEMENTS**

9 Randy Townsend, Chief Financial Officer, has determined that for each year of the first five
10 years the rules will be in effect, the following statements will apply:
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12 There are no additional estimated costs to the state and to local governments expected as a result
13 of enforcing or administering the rules.
14

15 There are no estimated cost reductions to the state and to local governments as a result of
16 enforcing or administering the rules.
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18 There are no estimated losses or increases in revenue to the state or to local governments as a
19 result of enforcing or administering the rules.
20

21 There are no foreseeable implications relating to costs or revenue of the state or local
22 governments as a result of enforcing or administering the rules.
23

24 There are no anticipated economic costs to persons required to comply with the rules.
25

26 There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural
27 communities as a result of enforcing or administering the rules.
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29 Based on the analyses required by Texas Government Code §2001.024, the TWC has determined
30 that the requirement to repeal or amend a rule as required by HB 1290 passed by the 85th
31 Legislature (to be codified at Texas Government Code §2001.0045), does not apply to this
32 rulemaking.
33

34 **Economic Impact Statement and Regulatory Flexibility Analysis**

35 TWC has determined that the proposed rules will not have an adverse economic impact on small
36 businesses or rural communities, as these proposed rules place no requirements on small
37 businesses or rural communities.
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39 Doyle Fuchs, Director of Labor Market and Career Information, has determined that there is no
40 significant negative impact upon employment conditions in the state as a result of the rules.
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42 Paul Carmona, Director of the Regulatory Integrity Division, has determined that for each year
43 of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing
44 the proposed rules will be to better serve Texas workers alleging unpaid wages by offering an
45 electronic option for the submission of claims for such wages under the Act.
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1 **PART IV. COORDINATION ACTIVITIES**

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3 Comments on the proposed rules may be submitted to TWC Policy Comments, Workforce
4 Policy and Service Delivery, attn: Workforce Editing, 101 East 15th Street, Room 440T, Austin,
5 Texas 78778; faxed to (512) 475-3577; or e-mailed to TWCPolicyComments@twc.state.tx.us.
6 Comments must be received or postmarked no later than 30 days from the date this proposal is
7 published in the *Texas Register*.

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9 The rules are proposed under Texas Labor Code §61.002 and §301.0015 which provide TWC
10 with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective
11 administration of TWC services and activities.

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13 The proposed rules affect Texas Labor Code, Chapter 61.

