

1-1 By: Zaffirini S.B. No. 1498
 1-2 (In the Senate - Filed March 8, 2017; March 20, 2017, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 18, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 18, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1498 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of temporary common worker employers.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 92.001(a), Labor Code, is amended to
 1-24 read as follows:
 1-25 (a) The legislature finds that this chapter is necessary to:
 1-26 (1) provide for the health, safety, and welfare of
 1-27 common workers throughout this state; and
 1-28 (2) establish uniform standards of conduct and
 1-29 practice for temporary common worker [~~certain~~] employers in this
 1-30 state.
 1-31 SECTION 2. Section 92.002, Labor Code, is amended by
 1-32 amending Subdivision (6) and adding Subdivision (6-a) to read as
 1-33 follows:
 1-34 (6) "Labor hall" means a central location maintained
 1-35 by a temporary common worker employer [~~license holder~~] where common
 1-36 workers assemble and are dispatched to work for a user of common
 1-37 workers.
 1-38 (6-a) "Municipality" has the meaning assigned by
 1-39 Section 1.005, Local Government Code.
 1-40 SECTION 3. The heading to Subchapter B, Chapter 92, Labor
 1-41 Code, is amended to read as follows:
 1-42 SUBCHAPTER B. AUTHORITY TO OPERATE [~~LICENSE REQUIREMENTS~~]
 1-43 SECTION 4. Subchapter B, Chapter 92, Labor Code, is amended
 1-44 by adding Section 92.0115 to read as follows:
 1-45 Sec. 92.0115. AUTHORITY TO OPERATE. Subject to Section
 1-46 92.013 and unless prohibited by a governmental subdivision, a
 1-47 person may operate as a temporary common worker employer in this
 1-48 state if the person meets the requirements of this chapter.
 1-49 SECTION 5. The heading to Section 92.012, Labor Code, is
 1-50 amended to read as follows:
 1-51 Sec. 92.012. EXEMPTIONS [~~FROM LICENSING REQUIREMENT~~].
 1-52 SECTION 6. Section 92.013(b), Labor Code, is amended to
 1-53 read as follows:
 1-54 (b) A municipality with a population greater than one
 1-55 million may establish municipal [~~licensing~~] requirements that
 1-56 impose stricter standards of conduct and practice than those
 1-57 imposed under Subchapter C.
 1-58 SECTION 7. The heading to Subchapter C, Chapter 92, Labor
 1-59 Code, is amended to read as follows:
 1-60 SUBCHAPTER C. STANDARDS OF CONDUCT AND PRACTICE [~~POWERS AND DUTIES~~]

OF LICENSE HOLDER]

SECTION 8. Section 92.021, Labor Code, is amended to read as follows:

Sec. 92.021. POWERS AND DUTIES OF [LICENSE HOLDER AS] EMPLOYER. (a) Each temporary common worker employer [license holder] is the employer of the common workers provided by that temporary common worker employer [license holder].

(b) A temporary common worker employer [license holder] may hire, reassign, control, direct, and discharge the employees of the temporary common worker employer [license holder].

SECTION 9. Section 92.022, Labor Code, is amended to read as follows:

Sec. 92.022. REQUIRED RECORDS; CONFIDENTIALITY. (a) Each temporary common worker employer [license holder] shall maintain and make available to a governmental subdivision [representative of the department] records that show for each common worker provided by the temporary common worker employer [license holder] to a user of common workers:

- (1) the name and address of the worker;
- (2) the hours worked;
- (3) the places at which the work was performed;
- (4) the wages paid to the worker; and
- (5) any deductions made from those wages.

(b) The temporary common worker employer [license holder] shall maintain the records at least until the second anniversary of the date on which the worker was last employed by the temporary common worker employer [license holder].

(c) Information received by the governmental subdivision [commission or department] under this section is privileged and confidential and is for the exclusive use of the governmental subdivision [commission or department]. The information may not be disclosed to any other person except on the entry of a court order requiring disclosure or on the written consent of a person under investigation who is the subject of the records.

SECTION 10. Section 92.023(b), Labor Code, is amended to read as follows:

(b) Each temporary common worker employer [license holder] shall ~~also~~ post in a conspicuous place in the ~~[licensed]~~ premises on which the temporary common worker employer operates a notice of any charge permitted under this chapter that the temporary common worker employer [license holder] may assess against a common worker for equipment, tools, transportation, or other work-related services.

SECTION 11. Section 92.024, Labor Code, is amended to read as follows:

Sec. 92.024. LABOR HALL REQUIREMENTS. A temporary common worker employer [license holder] that operates a labor hall as part of a ~~[licensed]~~ premises on which the temporary common worker employer operates shall provide adequate facilities for a worker waiting for a job assignment. The facilities must include:

- (1) restroom facilities for both men and women;
- (2) drinking water;
- (3) sufficient seating; and
- (4) access to vending refreshments and food.

SECTION 12. Section 92.025, Labor Code, is amended to read as follows:

Sec. 92.025. CERTAIN CHARGES AND DEDUCTIONS PROHIBITED. (a) A temporary common worker employer [license holder] may not charge a common worker for:

- (1) safety equipment, clothing, or accessories required by the nature of the work, either by law, custom, or the requirements of the user of common workers;
- (2) uniforms, special clothing, or other items required as a condition of employment by the user of common workers;
- (3) the cashing of a check or voucher; or
- (4) the receipt by the worker of earned wages.

(b) A temporary common worker employer [license holder] may not deduct or withhold any amount from the earned wages of a common worker except:

3-1 (1) a deduction required by federal or state law; or
3-2 (2) a reimbursement for a cash advance made to the
3-3 worker during the same pay period.

3-4 SECTION 13. Chapter 92, Labor Code, is amended by adding
3-5 Subchapter D to read as follows:

3-6 SUBCHAPTER D. ENFORCEMENT

3-7 Sec. 92.031. ENFORCEMENT. A governmental subdivision may
3-8 enforce this chapter within the boundaries of the governmental
3-9 subdivision.

3-10 SECTION 14. The following provisions of the Labor Code are
3-11 repealed:

- 3-12 (1) Sections 92.002(1), (4), and (4-a);
- 3-13 (2) Section 92.003;
- 3-14 (3) Section 92.004;
- 3-15 (4) Section 92.011;
- 3-16 (5) Section 92.013(a);
- 3-17 (6) Section 92.014;
- 3-18 (7) Section 92.015; and
- 3-19 (8) Section 92.023(a).

3-20 SECTION 15. (a) An administrative proceeding pending
3-21 under Chapter 51, Occupations Code, or Chapter 92, Labor Code, on
3-22 the effective date of this Act related to a violation of Chapter 92,
3-23 Labor Code, as that chapter existed immediately before the
3-24 effective date of this Act, is dismissed.

3-25 (b) An administrative penalty assessed by the Texas
3-26 Commission of Licensing and Regulation or the executive director of
3-27 the Texas Department of Licensing and Regulation related to a
3-28 violation of Chapter 92, Labor Code, as that chapter existed
3-29 immediately before the effective date of this Act, may be collected
3-30 as provided by Chapter 51, Occupations Code.

3-31 (c) The changes in law made by this Act do not affect the
3-32 pending prosecution of an offense under Chapter 92, Labor Code, as
3-33 that chapter existed immediately before the effective date of this
3-34 Act. An offense committed before the effective date of this Act is
3-35 governed by the law in effect on the date the offense was committed,
3-36 and the former law is continued in effect for that purpose. For
3-37 purposes of this subsection, an offense was committed before the
3-38 effective date of this Act if any element of the offense was
3-39 committed before that date.

3-40 SECTION 16. This Act takes effect September 1, 2017.

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