

Chapter 821. TEXAS PAYDAY RULES
Section 821.45

The following rule(s) will be effective November 6, 2000.

Chapter 821. TEXAS PAYDAY RULES

Subchapter C. WAGE CLAIMS

40 TAC §821.45

The Texas Workforce Commission adopts amendments to §821.45, relating to appeals of Payday Law preliminary wage determination orders, without changes to the proposed text as published in the July 21, 2000, issue of the Texas Register (25 TexReg 6966). The text will not be republished.

The purpose of the amendments is to provide notice of and a cross-reference to the location of the rules used relating to appeal hearings under the Act. The Payday Law hearings conducted by the Special Hearings Department are subject to the Unemployment Insurance Rules, found at Title 40 Texas Administrative Code (TAC), Chapter 815. The use of the Unemployment Insurance appeal process is required by Texas Labor Code §61.058(a). The cross-reference in the Payday Rules is added to provide clarification to the public regarding the statutorily required appeals processes.

Background: Texas Labor Code, Chapter 61, Payment of Wages (Payday Law), provides for the implementation of rules and laws relating to payment of wages. The Payday Law provides for the adjudication of wage claims by certain employees asserting claims against certain employers in Texas regarding wages that are due and unpaid. More specifically, the Payday Law sets forth provisions, including, but not limited to, the following:

- designation of paydays;
- payment on days other than on paydays;
- payment after termination of employment;
- payment of commissions and bonuses;
- form of payment;
- delivery of payment;
- deductions from wages;
- filing a wage claim;
- penalties for failure to pay wages;
- the initial investigation process; and
- appeals processes regarding wages claimed unpaid and due.

No comments were received on the rules.

The amended rule is adopted under Texas Labor Code §§61.002(a)(2), 301.061 and 302.002, which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary relating to the Payday Law and for the effective administration of the Texas Workforce Commission's services and activities.

The adopted rule affects the Texas Labor Code, Title 2.