

Overview

TWC provides information to employers and employees about their respective rights, duties and remedies under the Texas Minimum Wage Act.

The Texas Minimum Wage Act:

- Establishes a minimum wage for non-exempt employees
- Requires covered employers to provide each employee with a written earnings statement containing certain information about the employee's pay
- Designates TWC as the agency responsible for disseminating information about state minimum wage requirements
- Contains provisions concerning agricultural piece rate workers
- Exempts a variety of employers from its coverage
- Provides civil remedies for its violation

Current Minimum Wage

Texas adopts the federal minimum wage rate. Effective July 24, 2009, the federal minimum wage is \$7.25 per hour.

The Texas Minimum Wage Act does not prohibit employees from bargaining collectively with their employers for a higher wage.

With specified restrictions, employers may count tips and the value of meals and lodging toward minimum wage.

An employer does not need to pay an employee who lives on the business premises for on-call time in addition to assigned working hours.

Under certain conditions, an employer may pay a sub-minimum wage to an employee who is a patient or client of the Texas Department of Mental Health and Mental Retardation, or to other individuals due to age (see the law for details), or to productivity impairments.

Wage Rate Complaints & Deadline

If you believe you have been paid at a rate lower than the law requires, you may choose to take legal action.

An employee has two years from the date wages were due to file a lawsuit to recover the unpaid wages plus an additional equal amount as liquidated damages. The employer can be assessed reasonable attorney's fees and court costs.

Earnings Statement

Employers must provide employees on a written earnings statement information that enables employees to determine from a single document whether they have been paid correctly for a given pay period.

Exemptions

The primary exemption from the Texas Minimum Wage Act is for any person covered by the federal Fair Labor Standards Act (FLSA).

Other specific exemptions include:

- Employment in, of or by religious, educational, charitable or nonprofit organizations
- Professionals, salespersons or public officials
- Domestic workers
- Certain youths and students
- Inmates
- Family members
- Amusement and recreational establishments
- Non-agricultural employers not liable for state unemployment contributions
- Dairying and production of livestock
- Sheltered workshops

Agricultural Piece Rates

The Commissioner of Agriculture establishes piece rates for agricultural commodities commercially produced in substantial quantities in Texas, if sufficient productivity information is available. The piece rates are intended to guarantee at least minimum wage for harvesters of average ability and diligence while allowing harvesters to earn more by producing more.