

By: Turner of Tarrant

H.B. No. 2128

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to alternative base periods for the computation of  
3 unemployment compensation benefits.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 201, Labor Code, is  
6 amended by adding Section 201.013 to read as follows:

7 Sec. 201.013. DEFINITION OF BASE PERIOD; ALTERNATIVE BASE  
8 PERIODS. (a) For purposes of this subtitle and subject to this  
9 section, an individual's base period is the four consecutive  
10 completed calendar quarters, prescribed by the commission, in the  
11 five consecutive completed calendar quarters preceding the first  
12 day of an individual's benefit year.

13 (b) For an individual precluded because of a medically  
14 verifiable illness or injury from working during a major part of a  
15 calendar quarter of the period that would otherwise be the  
16 individual's base period under Subsection (a), the base period is  
17 the first four calendar quarters of the five consecutive calendar  
18 quarters preceding the calendar quarter in which the illness began  
19 or the injury occurred if the individual files an initial claim for  
20 benefits not later than 24 months after the date on which the  
21 individual's illness or injury began or occurred.

22 (c) For an individual who does not have sufficient benefit  
23 wage credits to qualify for benefits under the computation of the  
24 base period as provided by Subsection (a) or (b), the base period is

1 the four most recently completed calendar quarters preceding the  
2 first day of the individual's benefit year.

3 (d) For an individual who does not have sufficient benefit  
4 wage credits to qualify for benefits under the computation of the  
5 base period as provided by Subsection (a), (b), or (c), the base  
6 period is the three most recently completed calendar quarters  
7 preceding the first day of the individual's benefit year and the  
8 portion of the calendar quarter in which the individual's benefit  
9 year commences that occurs before the first day of the individual's  
10 benefit year.

11 (e) For purposes of establishing qualifications for  
12 benefits under the base period computation provided under  
13 Subsection (c) or (d), an individual for whom wage information for  
14 the most recent calendar quarter or current calendar quarter is not  
15 yet accessible to or obtainable by the commission may demonstrate  
16 that qualification by providing an affidavit supported by payroll  
17 documentation available to the individual for that calendar  
18 quarter. The commission by rule shall adopt a procedure for an  
19 individual to provide the affidavit and documentation permitted  
20 under this subsection.

21 SECTION 2. Section 201.011(1), Labor Code, is repealed.

22 SECTION 3. This Act applies only to eligibility for  
23 unemployment compensation benefits based on a claim that is filed  
24 with the Texas Workforce Commission on or after the effective date  
25 of this Act. A claim filed before the effective date of this Act is  
26 governed by the law in effect on the date the claim was filed, and  
27 the former law is continued in effect for that purpose.

1 SECTION 4. This Act takes effect September 1, 2021.