

By: Turner of Tarrant

H.B. No. 3620

A BILL TO BE ENTITLED

AN ACT

relating to unemployment compensation benefits.

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

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

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

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

(c) For an individual who does not have sufficient benefit wage credits to qualify for benefits under the computation of the base period as provided by Subsection (a) or (b), the base period is the four most recently completed calendar quarters preceding the

1 first day of the individual's benefit year.

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

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

20 SECTION 2. Section 207.008(b), Labor Code, is amended to  
21 read as follows:

22 (b) Notwithstanding any other provision of this subtitle,  
23 work is not suitable and benefits may not be denied under this  
24 subtitle to an otherwise eligible individual for refusal to accept  
25 new work if:

26 (1) the position offered is vacant directly because of  
27 a strike, lockout, or other labor dispute;

1 (2) the wages, hours, or other conditions of the work  
2 offered are substantially less favorable to the individual than  
3 those prevailing for similar work in the locality; ~~[or]~~

4 (3) as a condition of being employed, the individual  
5 is required to join a company union or to resign from or refrain  
6 from joining a bona fide labor organization;

7 (4) the place of performance of the work offered is in  
8 violation of federal, state, or local protocols relating to the  
9 spread of infectious diseases, including COVID-19; or

10 (5) the work offered presents an unreasonable risk of  
11 exposure to infectious diseases, including COVID-19, that cannot be  
12 mitigated with reasonable care.

13 SECTION 3. Subchapter B, Chapter 207, Labor Code, is  
14 amended by adding Section 207.0213 to read as follows:

15 Sec. 207.0213. TEMPORARY WAIVER OF CERTAIN ELIGIBILITY  
16 CONDITIONS. (a) Notwithstanding Section 207.021, if the commission  
17 finds that in any seven-day period the number of initial claims  
18 filed under this subtitle is more than five times the number of  
19 initial claims filed under this subtitle in the preceding seven-day  
20 period, the commission shall suspend for a period of 30 days the  
21 following eligibility conditions to authorize an individual who is  
22 otherwise eligible to receive benefits under this subtitle to  
23 receive those benefits:

24 (1) the condition imposed under Section 207.021(a)(5)  
25 that an individual be actively seeking work; and

26 (2) the condition imposed under Section 207.021(a)(8)  
27 that an individual have been totally or partially unemployed for a

1 waiting period.

2 (b) The period of a suspension imposed under Subsection (a)  
3 begins on the first day of the seven-day period in which the  
4 increased number of initial claims were filed.

5 SECTION 4. Section 207.048, Labor Code, is amended by  
6 amending Subsections (a), (b), and (f) and adding Subsection (g) to  
7 read as follows:

8 (a) An individual is disqualified for benefits for a benefit  
9 period in which the individual's total or partial unemployment is  
10 caused by[+]

11 [~~(1)~~] the individual's stoppage of work because of a  
12 labor dispute at the factory, establishment, or other premises  
13 where the individual is or was last employed[+~~or~~

14 [~~(2) a labor dispute at another place that:~~

15 [~~(A) is owned or operated by the same employing~~  
16 ~~unit that owns or operates the premises where the individual is or~~  
17 ~~was last employed; and~~

18 [~~(B) supplies material or services necessary to~~  
19 ~~the continued and usual operation of the premises where the~~  
20 ~~individual is or was last employed].~~

21 (b) Disqualification for benefits under this section does  
22 not apply to an individual who shows to the satisfaction of the  
23 commission that the individual:

24 (1) is not participating in, financing, or directly  
25 interested in the labor dispute; [~~and~~]

26 (2) does not belong to a grade or class of workers any  
27 members of which were employed at the premises of the labor dispute

1 immediately before the beginning of the labor dispute and any of  
2 whom are participating in, financing, or directly interested in the  
3 dispute;

4 (3) has been locked out of the individual's place of  
5 employment; or

6 (4) has been placed on emergency leave without pay by  
7 the individual's employer.

8 (f) For the purposes of this section:

9 (1) "Locked out" means the denial of entry by an  
10 employer to the place of employment of employees of that employer  
11 who have not:

12 (A) gone on strike; or

13 (B) notified the employer of a date on which the  
14 employees intend to go on strike.

15 (2) "Premises" [~~"premises"~~] includes a vessel.

16 (g) For the purposes of Subsection (b), the payment of  
17 regular union dues by an individual does not constitute financing a  
18 labor dispute.

19 SECTION 5. Section 208.001, Labor Code, is amended by  
20 adding Subsection (c) to read as follows:

21 (c) As soon as practicable after an individual files an  
22 initial claim for benefits, the commission shall provide to the  
23 individual a written notice containing general information about  
24 eligibility and enrollment for health care insurance coverage under  
25 the Patient Protection and Affordable Care Act (Pub. L.  
26 No. 111-148) as amended by the Health Care and Education  
27 Reconciliation Act of 2010 (Pub. L. No. 111-152). The commission

1 shall adopt rules for the form and content of the notice provided  
2 under this subsection.

3 SECTION 6. Section 209.062, Labor Code, is amended to read  
4 as follows:

5 Sec. 209.062. MAXIMUM TOTAL EXTENDED BENEFIT AMOUNT. The  
6 total extended benefit amount payable to an eligible individual for  
7 the individual's eligibility period is 60 [~~50~~] percent of the total  
8 amount of regular benefits that were payable to the individual  
9 under this subtitle in the individual's applicable benefit year.

10 SECTION 7. Section 214.002, Labor Code, is amended by  
11 adding Subsection (a-1) to read as follows:

12 (a-1) Notwithstanding Subsection (a) and except as  
13 otherwise provided by this subsection, if the commission finds that  
14 in any seven-day period the number of initial claims filed under  
15 this subtitle is more than five times the number of initial claims  
16 filed under this subtitle in the preceding seven-day period, the  
17 commission may not seek to recover the amount of any improper  
18 benefits received during the 30-day period beginning on the first  
19 day of the seven-day period in which the increased number of initial  
20 claims were filed. This subsection does not apply to improper  
21 benefits obtained by a person due to a nondisclosure or  
22 misrepresentation that is known or fraudulent.

23 SECTION 8. Section 201.011(1), Labor Code, is repealed.

24 SECTION 9. Section 201.013, Labor Code, as added by this  
25 Act, applies only to eligibility for unemployment compensation  
26 benefits based on a claim that is filed with the Texas Workforce  
27 Commission on or after the effective date of this Act. A claim

1 filed before the effective date of this Act is governed by the law  
2 in effect on the date the claim was filed, and the former law is  
3 continued in effect for that purpose.

4 SECTION 10. Section 207.008(b), Labor Code, as amended by  
5 this Act, applies only to a claim for unemployment compensation  
6 benefits filed with the Texas Workforce Commission on or after the  
7 effective date of this Act. A claim filed before the effective date  
8 of this Act is governed by the law in effect on the date the claim  
9 was filed, and the former law is continued in effect for that  
10 purpose.

11 SECTION 11. Section 208.001(c), Labor Code, as added by  
12 this Act, applies only to an initial claim for unemployment  
13 compensation benefits filed with the Texas Workforce Commission on  
14 or after the effective date of this Act. An initial claim filed  
15 before the effective date of this Act is governed by the law in  
16 effect on the date the claim was filed, and the former law is  
17 continued in effect for that purpose.

18 SECTION 12. Section 209.062, Labor Code, as amended by this  
19 Act, applies only to a claim for extended unemployment compensation  
20 benefits that is filed with the Texas Workforce Commission on or  
21 after the effective date of this Act. A claim filed before that  
22 date is governed by the law in effect on the date that the claim was  
23 filed, and the former law is continued in effect for that purpose.

24 SECTION 13. This Act takes effect immediately if it  
25 receives a vote of two-thirds of all the members elected to each  
26 house, as provided by Section 39, Article III, Texas Constitution.  
27 If this Act does not receive the vote necessary for immediate

H.B. No. 3620

1 effect, this Act takes effect September 1, 2021.