

By: Murphy, et al.

H.B. No. 14

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility for unemployment benefits of a person
3 receiving certain forms of remuneration.

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

5 SECTION 1. Section 207.049, Labor Code, is amended to read
6 as follows:

7 Sec. 207.049. RECEIPT OF REMUNERATION. (a) An individual
8 is disqualified for benefits for a benefit period for which the
9 individual is receiving or has received remuneration in the form
10 of:

- 11 (1) wages in lieu of notice;
12 (2) severance pay; or
13 (3) [~~(2)~~] compensation under a state worker's
14 compensation law or a similar law of the United States for:
15 (A) temporary partial disability;
16 (B) temporary total disability; or
17 (C) total and permanent disability.

18 (b) In this section, "severance pay" means dismissal or
19 separation income paid on termination of employment in addition to
20 the employee's usual earnings from the employer at the time of
21 termination. The term does not include any remuneration received
22 by an employee under:

- 23 (1) a release of claims or settlement agreement
24 entered into between the employee and the employer:

1 (A) based on an alleged violation of the Civil
2 Rights Act of 1991 (Pub. L. No. 102-166); or

3 (B) pursuant to a claim or cause of action filed
4 in connection with the employment relationship; or

5 (2) a written contract, including a collective
6 bargaining agreement, negotiated with the employer before the date
7 of separation from employment of the employee.

8 (c) The commission may adopt rules as necessary to
9 administer this section.

10 SECTION 2. The change in law made by this Act applies only
11 to a claim for unemployment compensation benefits that is filed
12 with the Texas Workforce Commission on or after the effective date
13 of this Act. A claim filed before the effective date of this Act is
14 governed by the law in effect on the date the claim was filed, and
15 the former law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2011.