

1-1 By: Eltife S.B. No. 919  
1-2 (In the Senate - Filed February 27, 2013; March 5, 2013,  
1-3 read first time and referred to Committee on Economic Development;  
1-4 April 4, 2013, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 4, 2013,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Deuell	X		
1-10	Hancock	X		
1-11	Birdwell	X		
1-12	Davis	X		
1-13	Eltife	X		
1-14	Fraser	X		
1-15	Watson	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 919 By: Eltife

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the shared work unemployment compensation program.  
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-21 SECTION 1. Section 204.022, Labor Code, is amended by  
1-22 adding Subsection (f) to read as follows:  
1-23 (f) Shared work benefits paid under Chapter 215 may not be  
1-24 charged to the account of an employer if the benefits are reimbursed  
1-25 by the federal government under the federal Layoff Prevention Act  
1-26 of 2012 (Pub. L. No. 112-96, Subtitle D, Title II).  
1-27 SECTION 2. Section 215.001, Labor Code, is amended by  
1-28 amending Subdivision (2) and adding Subdivision (9) to read as  
1-29 follows:  
1-30 (2) "Fringe benefit" means health insurance, a  
1-31 retirement benefit received under a defined benefit plan, as  
1-32 defined by 26 U.S.C. Section 414(j), or under a defined  
1-33 contribution plan, as defined by 26 U.S.C. Section 414(i) [~~pension~~  
1-34 ~~plan~~], a paid vacation day, a paid holiday, sick leave, or any other  
1-35 similar employee benefit provided by an employer.  
1-36 (9) "Training" means commission-approved voluntary  
1-37 training sponsored by an employer or funded under the Workforce  
1-38 Investment Act of 1998 (29 U.S.C. Section 2801 et seq.) that is  
1-39 designed to enhance a participant's job skills.  
1-40 SECTION 3. Section 215.022, Labor Code, is amended to read  
1-41 as follows:  
1-42 Sec. 215.022. REQUIREMENTS OF SHARED WORK PLAN. (a) The  
1-43 commission may approve a shared work plan if:  
1-44 (1) the plan:  
1-45 (A) applies to and identifies a specific affected  
1-46 unit;  
1-47 (B) identifies the employees in the affected unit  
1-48 by name and social security number and describes how the employees  
1-49 will be notified in advance of the plan, if feasible;  
1-50 (C) provides an estimate of the number of  
1-51 employees who would be laid off if the employer does not participate  
1-52 in the shared work plan;  
1-53 (D) [~~(C)~~] reduces the normal weekly hours of work  
1-54 for an employee in the affected unit by at least 10 percent but not  
1-55 more than 40 percent;  
1-56 (E) [~~(D)~~] applies to at least 10 percent of the  
1-57 employees in the affected unit; and  
1-58 (F) permits eligible employees to participate in  
1-59 training [~~(E) describes the manner in which the participating~~  
1-60 ~~employer treats the fringe benefits of each employee in the~~

2-1 ~~affected unit];~~  
2-2 (2) the employer certifies that the implementation of  
2-3 a shared work plan and the resulting reduction in work hours is in  
2-4 lieu of [~~temporary~~] layoffs that would:  
2-5 (A) affect at least 10 percent of the employees  
2-6 in the affected unit; and  
2-7 (B) result in an equivalent reduction in work  
2-8 hours; [~~and~~]  
2-9 (3) the employer certifies that:  
2-10 (A) if the employer currently provides fringe  
2-11 benefits, the fringe benefits continue for employees in the  
2-12 affected unit unless those benefits are not continued for employees  
2-13 not participating in the shared work plan; and  
2-14 (B) participation in the shared work plan is  
2-15 consistent with the employer's obligations under state and federal  
2-16 law; and  
2-17 (4) the employer agrees to furnish the commission  
2-18 reports relating to the operation of the plan as requested by the  
2-19 commission and any other information the United States secretary of  
2-20 labor determines is appropriate.  
2-21 (b) A shared work plan may not be implemented to subsidize a  
2-22 seasonal employer during the off-season [~~or to subsidize an~~  
2-23 ~~employer who traditionally has used part-time employees~~].  
2-24 SECTION 4. The change in law made by this Act applies only  
2-25 to a shared work plan submitted by an employer to the Texas  
2-26 Workforce Commission on or after the effective date of this Act. A  
2-27 shared work plan submitted before the effective date of this Act is  
2-28 governed by the law in effect on the date the plan was submitted,  
2-29 and the former law is continued in effect for that purpose.  
2-30 SECTION 5. This Act takes effect September 1, 2013.

2-31

\* \* \* \* \*