87R19037 RDS-D

By:  Turner of Tarrant H.B. No. 3620

Substitute the following for H.B. No. 3620:

By:  Turner of Tarrant C.S.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.  Section 207.003(b), Labor Code, is amended to read as follows:

(b)  The amount of a partial benefit is computed by:

(1)  adding the individual's benefit amount and [~~the greater of $5 or~~] 25 percent of the maximum weekly benefit amount computed under Section 207.002(b); and

(2)  subtracting the amount of the wages earned by the individual during the benefit period from the amount computed under Subdivision (1).

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

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

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

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

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

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

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

SECTION 3.  Section 207.021(a), Labor Code, is amended to read as follows:

(a)  Except as provided by Chapter 215, an unemployed individual is eligible to receive benefits for a benefit period if the individual:

(1)  has registered for work at an employment office and has continued to report to the employment office as required by rules adopted by the commission;

(2)  has made a claim for benefits under Section 208.001;

(3)  is able to work;

(4)  is available for work;

(5)  is actively seeking work in accordance with rules adopted by the commission;

(6)  for the individual's base period, has benefit wage credits:

(A)  in at least two calendar quarters; and

(B)  in an amount not less than 37 times the individual's benefit amount;

(7)  after the beginning date of the individual's most recent prior benefit year, if applicable, earned wages in an amount equal to not less than six times the individual's benefit amount; and

(8)  [~~has been totally or partially unemployed for a waiting period of at least seven consecutive days; and~~

[~~(9)~~] participates in reemployment services, such as a job search assistance service, if the individual has been determined, according to a profiling system established by the commission, to be likely to exhaust eligibility for regular benefits and to need those services to obtain new employment, unless:

(A)  the individual has completed participation in such a service; or

(B)  there is reasonable cause, as determined by the commission, for the individual's failure to participate in those services.

SECTION 4.  Section 208.001, Labor Code, is amended by adding Subsection (c) to read as follows:

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

SECTION 5.  Subchapter A, Chapter 215, Labor Code, is amended by adding Section 215.003 to read as follows:

Sec. 215.003.  NOTICE TO EMPLOYERS. At least annually, the commission shall provide written notice to employers regarding the shared work program. The notice must include a description of the benefits available under the program and the requirements for a shared work plan under the program.

SECTION 6.  Section 215.022(a), Labor Code, is amended to read as follows:

(a)  The commission may approve a shared work plan if:

(1)  the plan:

(A)  applies to and identifies a specific affected unit;

(B)  identifies the employees in the affected unit by name and social security number and describes how the employees will be notified in advance of the plan, if feasible;

(C)  provides an estimate of the number of employees who would be laid off if the employer does not participate in the shared work plan;

(D)  reduces the normal weekly hours of work for an employee in the affected unit by at least 10 percent but not more than 60 [~~40~~] percent;

(E)  applies to at least 10 percent of the employees in the affected unit; and

(F)  permits eligible employees to participate in training;

(2)  the employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of layoffs that would:

(A)  affect at least 10 percent of the employees in the affected unit; and

(B)  result in an equivalent reduction in work hours;

(3)  the employer certifies that:

(A)  if the employer currently provides fringe benefits, the fringe benefits continue for employees in the affected unit unless those benefits are not continued for employees not participating in the shared work plan; and

(B)  participation in the shared work plan is consistent with the employer's obligations under state and federal law; and

(4)  the employer agrees to furnish the commission reports relating to the operation of the plan as requested by the commission and any other information the United States secretary of labor determines is appropriate.

SECTION 7.  Section 215.041(b), Labor Code, is amended to read as follows:

(b)  An individual is eligible to receive shared work benefits for a week in which:

(1)  the individual is employed as a member of an affected unit subject to a shared work plan that was approved before that week and is in effect for that week;

(2)  the individual is able to work and is available for additional hours of work or for full-time work with the participating employer; and

(3)  the individual's normal weekly hours of work have been reduced by at least 10 percent but not more than 60 [~~40~~] percent, with a corresponding reduction in wages.

SECTION 8.  The following provisions are repealed:

(1)  Sections 207.021(b) and (c), Labor Code; and

(2)  Section 207.0212, Labor Code.

SECTION 9.  Sections 207.003(b), 207.008(b), and 207.021(a), Labor Code, as amended by this Act, apply only to a claim for unemployment compensation benefits filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

SECTION 10.  Section 208.001(c), Labor Code, as added by this Act, applies only to an initial claim for unemployment compensation benefits filed with the Texas Workforce Commission on or after the effective date of this Act. An initial claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

SECTION 11.  (a)  Sections 215.022(a) and 215.041(b), Labor Code, as amended by this Act, apply only to an initial shared work plan or a shared work plan modification submitted by an employer to the Texas Workforce Commission on or after the effective date of this Act. An initial shared work plan or a shared work plan modification submitted before the effective date of this Act is governed by the law as it existed on the date the plan or modification was submitted, and the former law is continued in effect for that purpose.

(b)  A shared work plan modification submitted to the Texas Workforce Commission on or after the effective date of this Act that modifies a shared work plan approved by the commission before the effective date and would reduce an individual's normal weekly hours of work more than 40 percent is considered to be a substantial modification under Section 215.025, Labor Code, and the modified plan must be evaluated and approved by the commission as provided by that section before implementation.

SECTION 12.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.