87R10417 RDS-D

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 first day of the individual's benefit year.

(d)  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), (b), or (c), the base period is the three most recently completed calendar quarters preceding the first day of the individual's benefit year and the portion of the calendar quarter in which the individual's benefit year commences that occurs before the first day of the individual's benefit year.

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

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

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

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

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

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

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

(a)  An individual is disqualified for benefits for a benefit period in which the individual's total or partial unemployment is caused by[~~:~~

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

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

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

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

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

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

(2)  does not belong to a grade or class of workers any members of which were employed at the premises of the labor dispute immediately before the beginning of the labor dispute and any of whom are participating in, financing, or directly interested in the dispute;

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

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

(f)  For the purposes of this section:

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

(A)  gone on strike; or

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

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

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

SECTION 5.  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 6.  Section 209.062, Labor Code, is amended to read as follows:

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

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

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

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

SECTION 9.  Section 201.013, Labor Code, as added by this Act, applies only to eligibility for unemployment compensation benefits based on a claim that is 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 207.008(b), Labor Code, as amended by this Act, applies 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 11.  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 12.  Section 209.062, Labor Code, as amended by this Act, applies only to a claim for extended unemployment compensation benefits that is filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before that date is governed by the law in effect on the date that the claim was filed, and the former law is continued in effect for that purpose.

SECTION 13.  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.