

By: Rodriguez

H.B. No. 157

A BILL TO BE ENTITLED

1 AN ACT
2 relating to requirements regarding an employee's normal weekly
3 hours of work under the shared work unemployment compensation
4 program.

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

6 SECTION 1. Section 215.022(a), Labor Code, is amended to
7 read as follows:

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

9 (1) the plan:

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

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

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

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

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

23 (F) permits eligible employees to participate in
24 training;

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

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

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

8 (3) the employer certifies that:

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

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

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

20 SECTION 2. Section [215.041](#)(b), Labor Code, is amended to
21 read as follows:

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

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

27 (2) the individual is able to work and is available for

1 additional hours of work or for full-time work with the
2 participating employer; and

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

6 SECTION 3. (a) The change in law made by this Act applies
7 only to an initial shared work plan or a shared work plan
8 modification submitted by an employer to the Texas Workforce
9 Commission on or after the effective date of this Act. An initial
10 shared work plan or a shared work plan modification submitted
11 before the effective date of this Act is governed by the law as it
12 existed on the date the plan or modification was submitted, and the
13 former law is continued in effect for that purpose.

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

22 SECTION 4. This Act takes effect September 1, 2021.