

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

1 is required to join a company union or to resign from or refrain
2 from joining a bona fide labor organization;

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

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

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

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

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

17 (2) has made a claim for benefits under Section
18 208.001;

19 (3) is able to work;

20 (4) is available for work;

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

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

25 (A) in at least two calendar quarters; and

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

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

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

7 [~~9~~] participates in reemployment services, such as a
8 job search assistance service, if the individual has been
9 determined, according to a profiling system established by the
10 commission, to be likely to exhaust eligibility for regular
11 benefits and to need those services to obtain new employment,
12 unless:

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

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

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

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

1 under this subsection.

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

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

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

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

12 (1) the plan:

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

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

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

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

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

26 (F) permits eligible employees to participate in
27 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 7. 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 8. The following provisions are repealed:

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

8 (2) Section 207.0212, Labor Code.

9 SECTION 9. Sections 207.003(b), 207.008(b), and
10 207.021(a), Labor Code, as amended by this Act, apply only to a
11 claim for unemployment compensation benefits filed with the Texas
12 Workforce Commission on or after the effective date of this Act. A
13 claim filed before the effective date of this Act is governed by the
14 law in effect on the date the claim was filed, and the former law is
15 continued in effect for that purpose.

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

23 SECTION 11. (a) Sections 215.022(a) and 215.041(b), Labor
24 Code, as amended by this Act, apply only to an initial shared work
25 plan or a shared work plan modification submitted by an employer to
26 the Texas Workforce Commission on or after the effective date of
27 this Act. An initial shared work plan or a shared work plan

1 modification submitted before the effective date of this Act is
2 governed by the law as it existed on the date the plan or
3 modification was submitted, and the former law is continued in
4 effect for that purpose.

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

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