

By: Zaffirini

S.B. No. 2103

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.