88R14121 RDS-F

By:  Birdwell S.B. No. 1689

A BILL TO BE ENTITLED

AN ACT

relating to claimant eligibility and initial claims under the unemployment compensation system.

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

SECTION 1.  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;

(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; and

(10)  has satisfied any outstanding obligation in relation to benefits improperly received by the individual as a result of a wilful nondisclosure or misrepresentation of a material fact described by Section 214.003, including the amount of any penalty assessed against the individual under that section, but only if the benefit period for which the individual is seeking benefits is not in the same benefit year in which the nondisclosure or misrepresentation of a material fact occurred.

SECTION 2.  Section 208.002(a), Labor Code, is amended to read as follows:

(a)  When used in connection with an initial claim, "last work" and "person for whom the claimant last worked" refer to [~~:~~

[~~(1)  the last person for whom the claimant actually worked, if the claimant worked for that person for at least 30 hours during a week; or~~

[~~(2)~~]  the employer, as defined by Subchapter C, Chapter 201, [~~or by the unemployment law of any other state,~~] for whom the claimant last worked.

SECTION 3.  The changes in law made 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 4.  This Act takes effect September 1, 2023.