

By: Patterson

H.B. No. 4902

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain individuals for unemployment benefits and the validity of certain claims for unemployment benefits submitted to the Texas Workforce Commission.

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:

(A) is actively seeking work; and

(B) during each week of the benefit period, performed at least four of the following work search activities, subject to verification by the commission:

(i) completed and submitted an application

1 for a job, other than an application submitted while attending a job
2 fair;

3 (ii) submitted a resume to an employer that
4 advertised an active job opening;

5 (iii) attended a job fair and submitted at
6 least one application for a job while attending the job fair;

7 (iv) participated in a job interview;

8 (v) after submitting a resume or
9 application or participating in a job interview, responded to an
10 employer's inquiry; or

11 (vi) participated in a work search or
12 professional training sponsored or approved by the commission;

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

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

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

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

21 (8) has been totally or partially unemployed for a
22 waiting period of at least seven consecutive days; and

23 (9) participates in reemployment services, such as a
24 job search assistance service, if the individual has been
25 determined, according to a profiling system established by the
26 commission, to be likely to exhaust eligibility for regular
27 benefits and to need those services to obtain new employment,

1 unless:

2 (A) the individual has completed participation
3 in such a service; or

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

7 SECTION 2. Section 207.047, Labor Code, is amended by
8 amending Subsection (a) and adding Subsection (c) to read as
9 follows:

10 (a) An individual is disqualified for benefits if during the
11 individual's current benefit year, the individual failed, without
12 good cause, to:

13 (1) apply for available, suitable work when directed
14 to do so by the commission;

15 (2) accept suitable work offered to the individual;
16 ~~or~~

17 (3) return to the individual's customary
18 self-employment, if any, when directed to do so by the commission;
19 or

20 (4) respond to an employer's request for an interview
21 or to attend a scheduled interview.

22 (c) An employer shall report to the commission any
23 individual who:

24 (1) refuses to return to work;

25 (2) refuses a suitable offer of employment;

26 (3) fails to respond to the employer's request for an
27 interview; or

1 (4) fails to attend a scheduled interview.

2 SECTION 3. Section 208.021(b), Labor Code, is amended to
3 read as follows:

4 (b) For each valid initial claim, the commission shall
5 determine:

6 (1) the claimant's identity;

7 (2) the claimant's benefit year;

8 (3) [~~(2)~~] the benefit amount for total unemployment;

9 and

10 (4) [~~(3)~~] the duration of benefits.

11 SECTION 4. Subchapter B, Chapter 208, Labor Code, is
12 amended by adding Sections 208.0211 and 208.0212 to read as
13 follows:

14 Sec. 208.0211. DETERMINATION OF CLAIM VALIDITY. (a) In
15 determining the validity of a claim under Section 208.021, the
16 commission shall cross-check all new and recurring claims against:

17 (1) the integrity data hub operated by the National
18 Association of State Workforce Agencies;

19 (2) the national directory of new hires maintained by
20 the federal Office of Child Support Enforcement and a directory of
21 new hires maintained by any other state;

22 (3) death records maintained by this state;

23 (4) records of persons who are incarcerated maintained
24 by the Texas Department of Criminal Justice and the Federal Bureau
25 of Prisons; and

26 (5) the multifactor authentication mechanism
27 established under Subsection (b).

1 (b) For purposes of determining a claimant's identity under
2 this section, the commission shall establish a multifactor
3 authentication mechanism to verify the identity of a claimant who
4 files a claim with the commission using the commission's Internet
5 website. The multifactor authentication mechanism must verify at
6 least two forms of identification submitted by the claimant.

7 (c) The commission shall perform an additional cross-check
8 and identity determination in the manner described by Subsections
9 (a) and (b), as applicable, for each claim in which more than one
10 claim is filed:

11 (1) using the commission's Internet website and
12 originating from the same Internet protocol address;

13 (2) by mail using the same mailing address; or

14 (3) in association with the same bank account.

15 (d) The commission shall enter into a data-sharing
16 agreement with each state agency that administers a social welfare
17 program. The data-sharing agreement must provide that the state
18 agency notify the commission if a person enrolled in a social
19 welfare program administered by the agency becomes employed. For
20 purposes of this subsection, "state agency" means a board,
21 commission, department, or other agency in the executive branch of
22 state government.

23 (e) On confirmation that an individual no longer has a valid
24 claim, the commission shall suspend the payment of benefits
25 immediately.

26 Sec. 208.0212. ANNUAL REPORT. Not later than March 1 of
27 each year, the commission shall submit a report to the legislature

1 relating to the validity of claims submitted to the commission
2 under this chapter. The report must include:

3 (1) the percentage of claims for benefits for which
4 the commission was unable to perform a cross-check, as required by
5 Section 208.0211, before paying or continuing to pay benefits under
6 this subtitle during the preceding calendar year;

7 (2) the total amount of benefits paid to claimants who
8 the commission later found made false statements in their claims
9 for those benefits during the preceding calendar year;

10 (3) the number of invalid claims that the commission
11 determined were invalid by conducting a cross-check required by
12 Section 208.0211 and the estimated dollar amount of savings to this
13 state, determined by the commission based on:

14 (A) the number of claims the commission
15 determined were invalid under this subdivision;

16 (B) the average number of weeks each claimant
17 received benefits under this subtitle; and

18 (C) the average weekly benefit amount
19 distributed to each claimant under this subtitle; and

20 (4) for the total amount of benefits paid for invalid
21 claims during the preceding calendar year, a list of at least four
22 of the primary reasons why the commission was not able to recover
23 those benefit payments.

24 SECTION 5. Sections 214.003(a) and (b), Labor Code, are
25 amended to read as follows:

26 (a) If, by wilful nondisclosure or misrepresentation of a
27 material fact, whether the nondisclosure or misrepresentation is

1 made by the person or for the person by another, a person receives a
2 benefit when a condition imposed by this subtitle for the person's
3 qualifying for the benefit is not fulfilled or the person is
4 disqualified from receiving the benefit:

5 (1) the person forfeits the:

6 (A) benefit received; ~~and~~

7 (B) rights to benefits that remain in the benefit
8 year in which the nondisclosure or misrepresentation occurred; and

9 (C) rights to any benefits under this subtitle
10 until the earlier of:

11 (i) the end of the fifth calendar year
12 following the last day of the benefit year in which the
13 nondisclosure or misrepresentation occurred; or

14 (ii) the date that the commission recovered
15 from the claimant any benefits received by wilful nondisclosure or
16 misrepresentation of a material fact and any penalty imposed under
17 this section; and

18 (2) the commission shall require the person to pay a
19 penalty in an amount equal to 15 percent of the amount forfeited
20 under Subdivision (1)(A).

21 (b) If a person attempts to obtain or increase benefits by a
22 nondisclosure or misrepresentation as provided by Subsection (a),
23 the commission shall ~~may~~ cancel the person's right to benefits
24 that remain in the benefit year in which the nondisclosure or
25 misrepresentation occurred and the person shall forfeit rights to
26 any benefit under this subtitle until the end of the fifth calendar
27 year following the last day of the benefit year in which the

1 attempted nondisclosure or misrepresentation occurred.

2 SECTION 6. The changes in law made by this Act apply only to
3 a claim for unemployment compensation benefits filed with the Texas
4 Workforce Commission on or after the effective date of this Act. A
5 claim filed before the effective date of this Act is governed by the
6 law in effect on the date the claim was filed, and the former law is
7 continued in effect for that purpose.

8 SECTION 7. This Act takes effect October 1, 2023.