

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

1 recent prior benefit year, if applicable, earned wages in an amount
2 equal to not less than six times the individual's benefit amount;

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

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

11 (A) the individual has completed participation
12 in such a service; or

13 (B) there is reasonable cause, as determined by
14 the commission, for the individual's failure to participate in
15 those services; and

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

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

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

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

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

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

13 SECTION 4. This Act takes effect September 1, 2023.