

BILL ANALYSIS

Senate Research Center
82R4693 KSD-F

S.B. 458
By: Seliger
Economic Development
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 458 amends the Texas Labor Code to clarify the definition of the last employer of a person filing a claim for unemployment compensation. Under current law, an individual who is discharged by an employer for misconduct or who leaves voluntarily without good cause can avoid a disqualification from unemployment insurance benefits by accepting a temporary or brief position outside the claimant's normal job or occupation, and then being laid off from such employment. S.B. 458 defines a person's last employer as one for whom an unemployment insurance claimant last worked for at least 30 hours in one week, or a covered employer, as defined by Subchapter C, Chapter 201 (Unemployment Compensation Act-General Provisions), of the Labor Code.

As proposed, S.B. 458 amends current law relating to initial claims under the unemployment compensation system.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 208.002, Labor Code, as follows:

Sec. 208.002. New heading: INITIAL CLAIM; LAST WORK. (a) Provides that "last work" and "person for whom the claimant last worked," when used in connection with an initial claim, 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 (Definition of Employer), Chapter 201 (Unemployment Compensation Act-General Provisions), or by the unemployment law of any other state, for whom the claimant last worked.

(b) Creates Subsection (b) from existing text. Makes no further changes to this subsection.

(c) Redesignates existing Subsection (b) as Subsection (c). Makes no further changes to this subsection.

SECTION 2. Provides that the changes in law made by this Act apply only to a claim for unemployment compensation benefits that is filed with the Texas Workforce Commission on or after the effective date of this Act .

SECTION 3. Effective date: September 1, 2011.