

## **BILL ANALYSIS**

C.S.H.B. 463

By: Dale

Economic & Small Business Development  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties have raised concerns regarding an employee's eligibility to collect unemployment benefits even if the employee is terminated after giving advance notice of resignation. The parties contend that this situation may encourage an employee who anticipates the termination of the employee's position for cause to give advance notice of resignation in hopes of receiving unemployment benefits. C.S.H.B. 463 seeks to address this issue by revising provisions relating to eligibility for unemployment benefits.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 463 amends the Labor Code to disqualify from receiving unemployment benefits an individual who left the individual's last work voluntarily in lieu of being discharged for misconduct, regardless of whether the individual gave advance notice to the individual's employer of the individual's resignation, the individual was terminated by the employer before the date stated in an advance notice of resignation as the individual's last day of work, or the employer paid the individual for the entire notice period.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 463 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Section 207.045, Labor Code, is amended by adding Subsection (g-2) to read as follows:

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 207.045, Labor Code, is amended by adding Subsection (g-2) to read as follows:

85R 23737

17.103.1623

Substitute Document Number: 85R 20016

(g-2) An individual who left the individual's last work, other than for circumstances described by Subsection (d), (f), (g), (g-1), or (j), after giving advance notice to the individual's employer of the individual's resignation and whose employment was terminated by the employer before the date stated in the advance notice of resignation as the individual's last day of work is disqualified for benefits under Subsection (a), regardless of whether the employer paid the individual for the entire notice period.

SECTION 2. The change in law made by this Act applies 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 3. This Act takes effect September 1, 2017.

(g-2) An individual who left the individual's last work voluntarily in lieu of being discharged for misconduct is disqualified from receiving benefits, regardless of whether:  
(1) the individual gave advance notice to the employer of the individual's resignation;  
(2) the individual was terminated by the employer before the date stated in an advance notice of resignation as the individual's last day of work; or  
(3) the employer paid the individual for the entire notice period.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.