

BILL ANALYSIS

Senate Research Center
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S.B. 818
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Natural Resources & Economic Development
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law provide job protections to state and federal service members called to duty. Nevertheless, jobs are not always available to the service members when they return from service. The service member might need access to unemployment benefits while asserting rights under law, or the job that the claimant left may have been temporary or seasonal and not be available upon return.

Interested parties assert that some service members have been disqualified for unemployment benefits due to unique circumstances, such as seasonal work or a continuous claim. S.B. 818 seeks to provide clarity to those claimants by adding being called to duty in federal uniformed services or with the state military force as a non-disqualifying job separation under the Texas Unemployment Compensation Act.

As proposed, S.B. 818 amends current law relating to unemployment compensation eligibility and chargebacks regarding certain persons separated from employment due to being called to military service.

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 204.022(a), Labor Code, as follows:

(a) Prohibits unemployment benefits computed on benefit wage credits of an employee or former employee from being charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year:

(1) - (14) makes no changes to these subdivisions;

(15) makes a nonsubstantive change to this subdivision;

(16) was caused by the employee being called to provide service in the uniformed services, as defined by 38 U.S.C. Section 4303, or in the Texas military forces, as defined by Section 437.001 (Definitions), Government Code, unless the employer has been found to be in violation of reemployment provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. Section 4301 et seq.) or Section 437.204 (Reemployment of Service Member Called to Training or Duty), Government Code, with respect to the employee; or

(17) creates this subdivision from existing text and makes no further changes.

SECTION 2. Amends Section 207.046(a), Labor Code, as follows:

(a) Provides that an individual is not disqualified for benefits under Subchapter C (Exceptions to and Disqualification for Benefits) under certain circumstances, including

if the individual's separation from employment was caused by the individual being called to provide service in the uniformed services, as defined by 38 U.S.C. Section 4303, or to provide service in the Texas military forces, as defined by Section 437.001, Government Code. Makes nonsubstantive changes.

SECTION 3. Provides that the changes in law made by this Act do not affect any reemployment rights and benefits or other employment benefits to which an employee is authorized to be entitled in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. Section 4301 et seq.).

SECTION 4. Provides that the changes in law made by this Act apply only to eligibility for unemployment compensation benefits based on an unemployment compensation claim that is filed with the Texas Workforce Commission on or after the effective date of this Act. Provides that 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 5. Effective date: September 1, 2021.