

CHAPTER 815. UNEMPLOYMENT INSURANCE

PROPOSED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE SECRETARY OF STATE.

ON **JULY 21, 2026**, THE TEXAS WORKFORCE COMMISSION PROPOSED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER.

Estimated Publication Date of the Proposal in the *Texas Register*: August 7, 2026

Estimated End of Comment Period: September 7, 2026

TWC proposes amendments to the following sections of Chapter 815, relating to Unemployment Insurance:

Subchapter A. General Provisions, §815.1 and §815.3

Subchapter B. Benefits, Claims and Appeals, §815.21 and §815.25

Subchapter C. Tax Provisions, §§815.113 and 815.115

Subchapter E. Confidentiality and Disclosure of State Unemployment Compensation Information, §815.165

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed Chapter 815 rulemaking is to implement clarifying changes to definitions and terminology, specify requirements for address notifications and the delivery of TWC notices, establish consistent procedures for Commission hearings, provide clearer guidelines for approved training, and update references to federal law and regulation.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. GENERAL PROVISIONS

TWC proposes the following amendments to Subchapter A:

§815.1. Definitions

Section 815.1 is amended to relocate the definition of "agent state" from §815.21 to this section, so that it is with the other definitions that apply to more than one section. The definition of "Board" is amended to assign it the same meaning as defined in §800.2 of this title. A definition for "mailing date" is added pertaining to correspondence sent by TWC.

§815.3. Addresses

Section 815.3 is amended to further specify which individuals under employment must promptly notify TWC of any change of address and to detail which recorded claimant or employer address should be used when delivering a notice of initial claim versus other TWC notices.

SUBCHAPTER B. BENEFITS, CLAIMS, AND APPEALS

TWC proposes the following amendments to Subchapter B:

§815.21. Interstate Claims

Section 815.21 is amended to remove the definition of "agent state" and relocate it under §815.1 with the other definitions for Chapter 815.

§815.25. Approval of Training

Section 815.25 is amended to update terminology and clarify which types of training shall be considered approved by TWC.

SUBCHAPTER C. TAX PROVISIONS

TWC proposes the following amendments to Subchapter C:

§815.113. Commission Hearings Involving Coverage and Contributions or Reimbursements

Section 815.113 is amended to establish consistent procedures, including: a reopening process for employers that miss a hearing, clearer guidelines for granting in-person hearings, criteria for granting a motion for reconsideration without further hearing, provisions for a rehearing while affirming a prior decision, and a distinction between motions for reconsideration and rehearing.

§815.115. Contribution and Wage Reports Covering Seamen and Seamen's Wages Paid under Shipping Articles

Section 815.115 is amended to update a reference to federal law.

SUBCHAPTER E. CONFIDENTIALITY AND DISCLOSURE OF STATE UNEMPLOYMENT COMPENSATION INFORMATION

TWC proposes the following amendments to Subchapter E:

§815.165. Exceptions to Confidentiality Requirements

Section 815.165 is amended to update a reference to federal regulation.

PART III. IMPACT STATEMENTS

Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the proposed rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the proposed rules.

There are no estimated cost reductions to the state and to local governments as a result of enforcing or administering the proposed rules.

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the proposed rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the proposed rules.

There are no anticipated economic costs to individuals required to comply with the proposed rules.

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the proposed rules.

Based on the analyses required by Texas Government Code, §2001.024, TWC has determined that the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045, does not apply to this rulemaking.

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking, as discussed elsewhere in this preamble, is to clarify definitions and terminology, specify requirements for address notifications and the delivery of TWC notices, establish consistent procedures for Commission hearings, provide clearer guidelines for approved training, and update references to federal law and regulation.

The proposed rulemaking action will not create any additional burden on private real property or affect private real property in a manner that would require compensation to private real property owners under the US Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

Government Growth Impact Statement

TWC has determined that during the first five years the proposed rules will be in effect, they:

- will not create or eliminate a government program;
- will not require the creation or elimination of employee positions;
- will not require an increase or decrease in future legislative appropriations to TWC;
- will not require an increase or decrease in fees paid to TWC;
- will not create a new regulation;
- will not expand, limit, or eliminate an existing regulation;
- will not change the number of individuals subject to the rules; and
- will not positively or adversely affect the state's economy.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the proposed rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, has determined that there is not a significant negative impact upon employment conditions in the state as a result of the proposed rules.

Lowell Keig, Director, Unemployment Insurance Division, has determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to provide clarity and improve understanding for those who must comply with the rules.

TWC hereby certifies that the proposal has been reviewed by legal counsel and found to be within TWC's legal authority to adopt.

PART IV. REQUEST FOR IMPACT INFORMATION

TWC requests, from any person required to comply with the proposed rule or any other interested person, information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Please submit the requested information to TWCPolicyComments@twc.texas.gov no later than September 7, 2026.

PART V. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than September 7, 2026.

PART VI. STATUTORY AUTHORITY

The rules are proposed under Texas Labor Code, §301.0015(a)(6), which provides TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed rules relate to Texas Labor Code, Title 4, Subtitle A, The Texas Unemployment Compensation Act.

CHAPTER 815. UNEMPLOYMENT INSURANCE

SUBCHAPTER A. GENERAL PROVISIONS

§815.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the statute or context in which the word or phrase is used clearly indicates otherwise.

- (1) Act--The Texas Unemployment Compensation Act, Texas Labor Code Annotated, Title 4, Subtitle A, as amended.
- (2) Additional claim--A notice of new unemployment filed at the beginning of a second or subsequent series of claims within a benefit year or within a period of eligibility when a break of one week or more has occurred in the claim series with intervening employment. The employer named on an additional claim will have 14 days from the date notice of the claim is mailed to reply to the notice. The additional claim reopens a claim series and is not a payable claim since it is not a claim for seven days of compensable unemployment.
- (3) Adequate notification--A notification of adverse facts, including any subsequent notification, affecting a claim for benefits, as provided in the Act, Chapter 208.
 - (A) Notification to the Commission is adequate as long as the employer or its agent gives a reason, supported by facts, directly related to the allegation raised regarding the claimant's right to benefits.
 - (B) The employer or its agent may demonstrate good cause for failing to provide adequate notice. Good cause is established solely by showing that the employer or its agent was prevented from providing adequate notification due to compelling circumstances beyond the control of the employer or its agent.
 - (C) Examples of adequate notification of adverse facts include, but are not limited to, the following:
 - (i) The claimant was discharged for misconduct connected with his work because he was fighting on the job in violation of written company policy.
 - (ii) The claimant abandoned her job when she failed to contact her supervisor in violation of written company policy and previous warnings.

(D) A notification is not adequate if it provides only a general conclusion without substantiating facts. A general statement that a worker has been discharged for misconduct connected with the work is inadequate. The allegation may be supported by a summary of the events, which may include facts documenting the specific reason for the worker's discharge, such as, but not limited to:

- (i) policies or procedures;
- (ii) warnings;
- (iii) performance reviews;
- (iv) attendance records;
- (v) complaints; and
- (vi) witness statements.

(4) Agency--The unit of state government that is presided over by the Commission and under the direction of the executive director, which operates the integrated workforce development system and administers the unemployment compensation insurance program in this state as established under Texas Labor Code, Chapter 301. It may also be referred to as the Texas Workforce Commission.

(5) Agent state--Any state from which or through which an individual files a claim for benefits from another state.

(6)~~(5)~~ Appeal--A submission by a party requesting the Agency or the Commission to review a determination or decision that is adverse to that party. The determination or decision must be appealable and pertain to entitlement to unemployment benefits; chargeback as provided in the Act, Chapter 204, Chapter 208, and Chapter 212; fraud as provided in the Act, Chapter 214; tax coverage or contributions or reimbursements. This definition does not grant rights to a party.

(7)~~(6)~~ Base period with respect to an individual--The first four consecutive completed calendar quarters within the last five completed calendar quarters immediately preceding the first day of the individual's benefit year, or any other alternate base period as allowed by the Act.

(8)~~(7)~~ Benefit period--The period of seven consecutive calendar days, ending at midnight on Saturday, with respect to which entitlement to benefits is claimed, measured, computed, or determined.

(9)(8) Benefit wage credits--Wages used to determine an individual's monetary eligibility for benefits. Benefit wage credits consist of those wages an individual received for employment from an employer during the individual's base period as well as any wages ordered to be paid to an individual by a final Commission order, pursuant to its authority under Texas Labor Code, Chapter 61. Benefit wage credits awarded by a final Commission order that were due to be paid to the individual by an employer during the individual's base period shall be credited to the quarter in which the wages were originally due to be paid.

(10)(9) Board--A Local Workforce Development Board. In this chapter, "Board" has the same meaning as defined in §800.2 of this title.~~created pursuant to Texas Government Code §2308.253 and certified by the Governor pursuant to Texas Government Code §2308.261. This includes a Board when functioning as the Local Workforce Investment Board as described in the Workforce Investment Act §117 (29 U.S.C.A. §2832), including those functions required of a Youth Council, as provided for under the Workforce Investment Act §117(i) (also referred to as an LWDB).~~

(11)(10) Commission--The three-member body of governance composed of Governor-appointed members in which there is one representative of labor, one representative of employers, and one representative of the public as established in Texas Labor Code, §301.002, which includes the three-member governing body acting under the Act, Chapter 212, Subchapter D, and in Agency hearings involving unemployment insurance issues regarding tax coverage, contributions, or reimbursements.

(12)(11) Day--A calendar day.

(13)(12) Landman--An individual who is qualified to do field work in the purchasing of right-of-way and leases of mineral interests, record searches, and related real property title determinations, and who is primarily engaged in performing the field work.

(14) Mailing date (or "date of mailing")--For correspondence sent by the Agency to a party, "mailing date" means the date on which the Agency:

(A) deposits correspondence with the United States Postal Service; or

(B) transmits an electronic correspondence to an electronic mail address designated by the party or an Agency electronic inbox for parties registered to receive electronic correspondence.

(15)(13) Person--May include a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

~~(16)~~(14) Places accessible--Locations in which an employer shall provide required notices to an employee as provided in the Act, Chapter 208. Required notices include the following~~This includes:~~

- (A) ~~notices~~Notices providing general information about filing a claim for unemployment benefits shall be displayed in a manner reasonably calculated to be encountered by all employees; and
- (B) ~~upon~~Upon separation from employment, an employer shall provide an employee individual notice of general information about filing a claim for unemployment benefits as set out in the printed notice referenced in §208.001(b) of the Act. As the notice is provided directly to the individual, the employer has significant flexibility in how this information may be made known. Such information may be provided:
 - (i) in a paper format, including by mail or with separation paperwork;
 - (ii) by email;
 - (iii) by text; or
 - (iv) by other means reasonably calculated to ensure the individual receives the required notification.

~~(17)~~(15) Reopened claim--The first claim filed following a break in claim series during a benefit year which was caused by other than intervening employment, ~~that is i.e.,~~ illness, disqualification, unavailability, or failure to report for any reason other than job attachment. The reopened claim reopens a claim series and is not a payable claim since it is not a claim for seven days of compensable unemployment.

~~(18)~~(16) Week--A period of seven consecutive calendar days ending at midnight on Saturday.

§815.3. Addresses.

- (a) In this chapter, the following shall promptly notify the Agency of any change of address and provide the correct address to the Agency:
 - (1) ~~Each~~each employing unit, which has or had individuals in "employment," ~~as so~~ defined in the Act ~~shall notify the Agency of its correct address and of any change in its correct address, and each employing unit shall promptly notify the Agency of any change of address.; and~~

- (2) Each individual who is a claimant for benefits, who is liable to the Agency for an overpayment pursuant to the Act, Chapter 212 or 214, ~~or who is registered for work at an Agency office, or public employment office, including a Texas Workforce Center~~workforce center, or who otherwise has pending business before the Agency~~shall promptly notify the Agency of any change of address.~~
- (b) In this chapter, a group account, as referred to in §205.021 of the Act, ~~§205.021,~~ shall be treated as a single employing unit for the purposes of this section and the Agency shall use the address of the group representative as the official address of the group. The group representative shall notify the Agency of the correct address and shall promptly notify the Agency of any change of address.
- (c) In all transactions in which notice is required by the Act or this chapter, the Agency shall send the notice to ~~notify~~ the parties ~~to~~at the last known physical or electronic address as reflected in the Agency records. However, when the Agency delivers ~~mails~~ a notice of an initial claim to the employer via the United States Postal Service, the Agency shall use the physical address of the employer for whom the claimant last worked, or if the employer has more than one branch or division at different locations, the location of the branch or division at~~for~~ which the claimant last worked, or a mailing address designated by the employer in §208.003 of the Act, ~~§208.003.~~

SUBCHAPTER B. BENEFITS, CLAIMS, AND APPEALS

§815.21. Interstate Claims.

This section shall govern the Agency in its administrative cooperation with other states adopting a similar rule or regulation for the payment of benefits to interstate claimants, any provision of any other rule to the contrary notwithstanding.

- (1) Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

~~(A) Agent state--Any state from which or through which an individual files a claim for benefits from another state.~~

~~(A)~~(B) Benefits--The compensation payable to an individual with respect to the individual's unemployment, under the unemployment insurance law of any state.

~~(B)~~(C) Interstate benefit payment plan--The plan approved by the Interstate Conference of Employment Security Agencies under which benefits shall be payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.

(C)~~(D)~~ Interstate claimant--An individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state, or directly with the liable state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the Agency finds that this exclusion would create undue hardship on the claimants in specified areas.

(D)~~(E)~~ Liable state--Any state against which an individual files, through another state, a claim for benefits.

(E)~~(F)~~ State--Includes the District of Columbia, Puerto Rico, and the Virgin Islands.

(F)~~(G)~~ Week of unemployment--Includes any week of unemployment as defined in the law of the liable state from which benefits with respect to the week are claimed.

(2) Registration for work.

(A) The agent state shall register for work each claimant who files through the agent state, or upon notification of a claim filed directly with the liable state, as required by the ~~laws~~^{law}, regulations, and procedures of the agent state. The registration shall be accepted as meeting the registration requirements of the liable state.

(B) Each agent state shall duly report~~;~~ to the liable state in question~~;~~ each interstate claimant who fails to meet the registration/re-employment assistance reporting requirements of the agent state.

(3) Benefit rights of interstate claimants.

(A) If a claimant files a claim against any state, and it is determined by the state that the claimant has available benefit credits in the state, then claims shall be filed only against the state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.

(B) For the purposes of this section, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the applications of a seasonal restriction.

(4) Claims for benefits.

- (A) Claims for benefits or waiting-period credit filed by an interstate claimant directly with the liable state shall be filed in accordance with the liable state's procedures. Claims shall be filed in accordance with the type of week in use in the agent state. Any adjustments required to fit the type of week used by the liable state shall be made by the liable state on the basis of consecutive claims filed.
 - (B) Claims shall be filed in accordance with the agent state's regulations for intrastate claims in the local employment offices, affiliated sites, one-stop centers, or at an itinerant service point or by [the United States Postal Service](#), common carrier, or by other means, including telephonic or electronic means, as the Agency may approve.
 - (i) With respect to claims for weeks of unemployment in which an individual was not working for the individual's regular employer, the liable state shall, under circumstances ~~that~~^{which} it considers good cause, accept a continued claim filed up to one week or one reporting period late. If a claimant files more than one reporting period late, an initial interstate claim shall be used to begin a claim series, and no continued claim for a past period shall be accepted.
 - (ii) With respect to weeks of unemployment during which an individual is attached to the individual's regular employer, the liable state shall accept any claim ~~that~~^{which} is filed within the time limit applicable to the claims under the law of the agent state.
- (5) Determination of claims.
- (A) The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question the facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.
 - (B) The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts and the reporting of relevant facts pertaining to each claimant's failure to register for work or report for re-employment assistance as required by the agent state. The agent state shall not refuse to take an interstate claim.
- (6) Appellate procedure.
- (A) The agent state shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims.

- (B) With respect to the time limits imposed by the law of a liable state other than Texas, upon the filing of an appeal in connection with a disputed claim, whether or not the appeal is timely shall be determined by the liable state by reference to that state's ~~laws~~law, regulations, or policies and practices. In interstate appeals in which Texas is the liable state, whether or not the appeal is timely shall be determined by reference to relevant provisions of the ~~Texas Unemployment Compensation~~ Act and current Agency policies and precedent decisions applicable to intrastate appeals.
- (C) The liable state shall conduct hearings in connection with appealed interstate benefit claims. The liable state may contact the agent state for assistance in special circumstances.
- (7) Canadian claims. This section shall apply in all its provisions to claims taken in and for Canada.
- (8) Notification of interstate claim. The liable state shall notify the agent state of each initial claim, reopened file, claim transferred to interstate status, and each ~~weekly~~week claim filed from the agent state using uniform procedures and record format pursuant to the Interstate Benefit Payment Plan.

§815.25. Approval of Training.

- (a) The Agency shall approve training, if:
 - (1) there is no longer substantial and recurring demand for the individual's skills, ~~and~~ the lack of employment opportunities in occupations requiring those skills is expected to continue for an extended period of time, and the individual has no other skill for which there is an expectation of reemployment in a reasonable period; and
 - (2) the training will enhance the individual's ability to secure stable employment and earning potential in an occupation for which there is substantial and recurring demand.
- (b) An individual shall be in approved training if the Agency approves the training for the individual and the individual is attending the training as shown by the following:
 - (1) The individual and/or the training facility agrees to furnish evidence upon the Agency's request ~~request of the Agency~~ that the individual is regularly attending the training course and is satisfactorily performing assignments as a trainee; and

- (2) The individual affirms at the time of the claim certification that the individual has attended the training course during the given training week or had good cause for the individual's failure to do so.
- (c) Training provided by or~~The funding source of the training shall not affect the approval of the training except that training~~ under the auspices of the Workforce Innovation and Opportunity Act, Workforce Investment Act; TWC's Vocational Rehabilitation Services Program,~~the Texas Department of Assistive and Rehabilitative Services; the Texas Department of Aging and Disability Services;~~ federal or state veterans' services programs, or any other program specifically designated by the Agency, shall be considered approved for the purposes of §207.022 of the Act~~§207.022~~.
- (d) The Agency shall not deny approval of training solely because the individual resides outside of the state. Agency staff may rely upon the recommendation of the agent state regarding whether the training is approved.
- (e) The Commission shall develop procedural guidelines for use by Agency staff and the Boards that are consistent with the requirements of this section. Procedures may include, but are not limited to:
 - (1) using a statewide or Board-level demand or targeted occupations list to determine whether there is substantial and recurring demand for an occupation or industry; and
 - (2) using the Agency's job-matching system to assess the individual's existing skills when determining the individual's likelihood to return to an occupation or industry requiring those skills.

SUBCHAPTER C. TAX PROVISIONS

§815.113. Commission Hearings Involving Coverage and Contributions or Reimbursements.

- (a) In all situations not specifically provided for in the Act or in the rules of the Agency, a hearing may, at the discretion of the Commission, be afforded an employing unit upon its written request, in any case involving tax liability or any question relating to contributions or reimbursements. Hearings under this section shall continue to be termed Rule 13 Hearings. The written request for hearing may be filed by hand delivery, the United States Postal Service~~mail~~, common carrier, facsimile (fax) transmission, or other method approved by the Agency in writing, at a local tax office or at the Texas Workforce Commission, 101 East 15th Street, Austin, Texas 78778-0001.
- (b) The Commission may on its own motion set a hearing to secure the facts to establish the status of any individual or employing unit under any section of the Act.

- (c) The Commission may designate a representative to preside over the hearing. Hearings shall be conducted by telephone conference call unless the supervisor of the hearing officers or the supervisor's designee determines that an in-person or video-conference hearing is necessary, most commonly to accommodate a disability ~~hearing is necessary. The hearings will be scheduled and, if an in-person hearing, held at the time and at a place and in the manner~~ designated by the supervisor ~~of the hearings officers or the supervisor's designee in accordance with the applicable provisions paragraphs (1)–(3) of this subsection and the applicable provisions in this chapter.~~
- (1) Written notice of the date and time of the hearings shall be given to the parties, and the location if it is an in-person hearing, at least 10 days before the date of the hearing; but if a setting at an earlier date is requested by an individual or employing unit, the supervisor of the hearings officers or the supervisor's designee may at the supervisor's discretion grant that request; if granting the ~~granting of~~ the request will not prejudice the rights of any other party to the proceedings, including the Agency itself. The notice shall be mailed to the parties at their last-known addresses.
- (2) In these proceedings before a hearings officer, all parties shall be given an opportunity for full, fair, and impartial hearing. The hearings shall be conducted in the manner deemed most suitable to ascertain the facts and to determine the rights of the parties. All testimony taken shall be under oath and subject to the right of cross-examination by any adverse party, and it shall be recorded. When necessary, the hearing officer may order the taking of depositions. The submission of written briefs, affidavits, and other written memoranda may be required.
- (3) A witness, whose attendance at a hearing is required, may be allowed a fee and mileage on the same basis and to the same extent as is provided for witnesses under §815.18 of this chapter ~~(relating to General Rules for Both Appeal Stages).~~
- (4) If a party, including the Agency, fails to appear for a hearing, the hearing officer may hear and record the evidence of the party present and the witnesses, if any, and the Commission shall proceed to decide the appeal on the basis of the record unless there appears to be a good reason for continuing the hearing. A copy of the decision shall be mailed to the parties of interest with an explanation of the manner and time in which a request for reopening may be submitted.
- (5) A party who fails to appear at a hearing may, within 30 days from the date the decision is mailed, petition for a new hearing in the manner set out in subsection (a) of this section. The petition shall identify the party requesting the reopening, the applicable decision of the Commission, the date of the

petition, and explain the reason for the failure to appear. The provisions of §815.32 of this chapter shall determine on what date the petition was filed. The petition shall be granted if it appears that the petitioner has shown good cause for the petitioner's failure to appear at the hearing. A petition may be denied on the basis of the petition alone and without holding a hearing.

(6) For purposes of this section, the term "appear" shall mean participation by a party or a party's representative in the proceeding. Actions that may be considered as participation include offering testimony, examining witnesses, or presenting oral arguments. If the hearing is a telephone or video-conference hearing, a party or a party's representative shall appear at a hearing by calling on the date and at the time of the hearing and participating in the hearing proceedings. If the hearing is an in-person hearing, a party or a party's representative shall appear by being at the location of the hearing on the date and at the time scheduled for the hearing and participating in the hearing proceedings. Mere submission of written documents, whether sworn or unsworn, or observation of the proceedings shall not constitute an appearance.

- (d) The Commission, following each hearing, shall issue a decision, which shall resolve the questions involving tax liability or any question relating to contributions or reimbursements ~~that~~which arose at the hearing. Copies of the Commission's written decisions ~~of the Commission~~ shall be provided to ~~furnished~~ the parties to the hearings.
- (e) A decision of the Commission shall become final 30 days after the date of mailing unless, within the 30-day period, a party files a petition to reopen the hearing, the proceeding is ~~either~~ reopened by a Commission order, or ~~by~~ a party to the proceeding files~~filing~~ a written motion for reconsideration in accordance with the provisions of §815.17(f) of this chapter ~~(relating to General Rules for Both Appeal Stages)~~. A party filing a motion for reconsideration must file the motion in writing at the address stated in the Commission's decision. The Commission may deny the motion without further hearing. If the Commission determines that additional evidence or argument is necessary, then the Commission may order a rehearing and schedule the rehearing in accordance with subsection (c) of this section. The motion for reconsideration is sent to the address listed in the decision. A decision is not binding on a person who was not a party to a proceeding conducted under this section.

§815.115. Contribution and Wage Reports Covering Seamen and Seamen's Wages Paid under Shipping Articles.

This section shall govern contribution and wage reports covering seamen and seamen's wages paid under shipping articles.

- (1) Pay period. For the purpose of this section, the term "pay period" established by "shipping articles" means the period of the voyage or engagement of the

crew under "articles of agreement" pursuant to [46 USCA §10302](#)~~46 U.S.C.A. §564~~.

- (2) Current reports.
 - (A) Contribution reports and wage reports with respect to wages, including advances, allotments, and payment in kind, such as board and lodging, earned in any pay period established by "shipping articles" shall be submitted as of the calendar quarter in which any of the wages in cash were actually paid or any of the wages in kind were furnished.
 - (B) Reports on wages falling within the purview of this section need not be filed prior to the time reports regarding wages paid at the termination of the period shall be filed. However, separate reports shall in that event be filed for each calendar quarter involved during which wages in cash were paid and wages in kind were furnished.
- (3) Special reports. The employer shall, upon request of the Agency, promptly furnish a statement of the wages of a seaman, whenever the statement is necessary in order to determine a seaman's eligibility for and rate of benefits. The statement shall be prepared and submitted in the manner the Agency may prescribe in each case.

SUBCHAPTER E. CONFIDENTIALITY AND DISCLOSURE OF STATE UNEMPLOYMENT COMPENSATION INFORMATION

§815.165. Exceptions to Confidentiality Requirements.

- (a) The Agency may disclose public domain information. For purposes of this section, public domain information includes directory information about the organization of the state, the Commission, and appellate authorities, as well as the names and positions of officials and employees; information about the state unemployment compensation law (and applicable federal law), provisions, rules, regulations, and interpretations, including statements of general policy and interpretations of general applicability; and any agreement relating to the administration of the state unemployment compensation law. Commission-designated precedent case digests from which all individually identifiable information has been removed constitute public domain information. Public domain information does not include information historically excepted from disclosure under the Public Information Act, Chapter 552, Texas Government Code, including, but not limited to, attorney/client privileged information; interagency memoranda containing advice, opinion, or recommendation to policy makers or decision makers; or other items historically excepted from disclosure under the Public Information Act.
- (b) The Agency may disclose confidential unemployment compensation information about an individual or employer to that individual or employer, respectively, but in

no event does this restrict the Agency from withholding information historically excepted from disclosure, including, but not limited to, confidential informant or attorney-client privileged information, or tax audit techniques.

- (c) The Agency may disclose confidential unemployment compensation information if the requestor provides a written release signed by the individual or the employer whose records are requested, and if the written release demonstrates informed consent.
- (d) The Agency may disclose confidential unemployment compensation information, based on informed consent, to the following:
 - (1) An agent acting for or in the place of an individual or an employer by the authority of that individual or employer if the agent presents a written release signed by the party to be represented. If a written release is impossible or impracticable to obtain, the Agency may accept other documentation sufficient to establish informed consent.
 - (2) An elected official performing constituent services provided the official presents reasonable evidence of authorization to obtain the information, such as a letter from the individual or employer requesting the elected official's assistance or a written record of a telephone request from the individual or employer that the individual or employer has authorized such disclosure.
 - (3) A licensed attorney retained for purposes unrelated to the state's unemployment compensation law; if the attorney provides a written statement declaring that ~~they have~~~~he or she has~~ been retained to represent the individual or employer, the requirements of a written release will have been met. An attorney retained for purposes related to the state's unemployment compensation law may assert that ~~they are~~~~he or she is~~ representing the individual or employer, and such assertion need not be in writing.
 - (4) A third party that is not acting as an agent, only if that entity provides the Commission with a copy of an informed consent release consistent with the requirements of §815.166 of this subchapter.
 - (5) A third party seeking confidential information on an ongoing basis, only if that entity submits an informed consent release consistent with the requirements of §815.166 of this subchapter. This requirement applies even if the third party is an agent seeking information on an ongoing basis.
- (e) The Agency may disclose confidential unemployment compensation information to a public official for use in the performance of ~~their~~~~his or her~~ official duties, including the administration or enforcement of law or execution of the official responsibilities of a federal, state, or local elected official. Administration of law includes research related to the law administered by the public official. Execution of official

responsibilities does not include solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or a political party.

- (f) The Agency may disclose confidential unemployment compensation information to a public official's agent or contractor if such disclosure is permissible under [20 CFR §603.5\(e\)](#) ~~20 C.F.R. §603.5(e)~~ and only after evaluating the following factors:
 - (1) The potential threat to the employer's or individual's privacy posed by an entity's collection, storage, maintenance, use, and possible misuse of confidential unemployment compensation information;
 - (2) The costs associated with such disclosure;
 - (3) The agent or contractor's ability to comply with the requirements in [20 CFR §603.9](#) ~~20 C.F.R. §603.9~~ regarding safeguards and security of confidential unemployment compensation information;
 - (4) The costs of enforcement, including investigation and assessment of penalties for misuse of data;
 - (5) The costs to develop, monitor, and maintain systems sufficient to allow audit of the information;
 - (6) The personnel, travel, and equipment expenses associated with periodic monitoring and on-site audits required by [20 CFR §603.10](#) ~~20 C.F.R. §603.10~~; and
 - (7) Whether the disclosure is for purposes of solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or a political party.
- (g) The Agency may disclose confidential unemployment compensation information to parties for purposes of claims adjudications, hearings, and appeals, consistent with this chapter.
- (h) The Agency may disclose confidential unemployment compensation information to a federal official for purposes of UC program oversight and audits, including disclosures under [20 CFR Part 603](#) ~~20 C.F.R. Parts 29 and 601, as well as under C.F.R. Parts 96 and 97.~~
- (i) The confidentiality requirements of this chapter do not apply to information collected exclusively for statistical purposes under a cooperative agreement with the Bureau of Labor Statistics (BLS). Further, this chapter's requirements do not restrict or impose any condition on the transfer of any other information to BLS under an agreement, or the disclosure or use of such information by BLS.