

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 **APRIL 14, 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*: May 1, 2026

Estimated End of Comment Period: June 1, 2026

The Texas Workforce Commission (TWC) proposes amendments to the following sections of Chapter 815, relating to Unemployment Insurance:

Subchapter B. Benefits, Claims, and Appeals, §815.20 and §815.28

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed Chapter 815 rule change is to implement the provisions of House Bill 3698 (HB 3698), enacted by the 89th Texas Legislature, Regular Session, 2025, relating to participation in reemployment services as a condition of eligibility for unemployment benefits.

HB 3698 amended Texas Labor Code, §207.021(a), to expand participation in reemployment services under the federal Reemployment Services and Eligibility Assessment (RESEA) Program. HB 3698 revised the conditions under which such participation is required for unemployment compensation eligibility.

Additionally, the rule amendments will:

- increase the minimum number of required weekly work search contacts from three to five;
- add a requirement for claimants to verify their identity;
- add additional groups of individuals who are exempt from the work registration and work search requirements; and
- correct outdated references.

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 B. BENEFITS, CLAIMS, AND APPEALS

TWC proposes the following amendments to Subchapter B:

§815.20. Claim for Benefits

Section 815.20(7) is amended to conform with Texas Labor Code, §207.021(a), as amended by HB 3698, relating to the expansion of participation in reemployment services, and to correct a Texas Labor Code reference.

Section 815.20(8) is amended to add two new categories of unemployment benefits claimants who are exempt from the requirement to register for work. This change is necessary to align §815.28 with §815.28, as amended.

Additionally, new §815.20(11) formalizes TWC's existing identity verification requirements to provide clarity and increase understanding by parties to a claim. These requirements are critical to protect the integrity of the unemployment compensation system from identity fraud. This amendment is based on TWC's existing authority under Texas Labor Code, §207.021(a)(1) and does not expand that authority or create new requirements for claimants.

§815.28. Work Search Requirements

Section 815.28 is amended to increase a claimant's TWC-required minimum number of weekly work search contacts from three to five. This adjustment reflects the efficiency of modern online job searching and the abundance of job opportunities in the thriving Texas economy. The increased requirement encourages active engagement in the labor market and facilitates quicker reemployment. This establishes a statewide minimum while preserving the Local Workforce Development Boards' authority, as approved by the Commission, to recommend higher requirements based on regional labor market conditions.

Section 815.28 is also amended to add limited exemptions to the work search requirement for certain individuals in areas affected by a disaster and certain federal employees in temporary layoff status due to a government furlough or shutdown. This amendment is made in response to a recommendation from the US Department of Labor.

PART III. IMPACT STATEMENTS

Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the 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 rules.

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

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

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the 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 action under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking action, as discussed elsewhere in this preamble, is to expand participation in reemployment services under the federal RESEA program.

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 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 expand an existing regulation by expanding the scope of its applicability from a selective application of the requirements to a more universal application of the requirements;
- will change the number of individuals subject to the rules by expanding the requirement for individuals to participate in reemployment services to a broader population of unemployment benefits claimants; and
- will positively affect the state's economy by accelerating the reemployment of jobless Texans.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the 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 rules.

Lowell Keig, Director, Unemployment Insurance Division, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to expand participation in the RESEA program and further clarify which individuals are exempt from the work search requirements.

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 June 1, 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 June 1, 2026.

PART VI. STATUTORY AUTHORITY

The rules are proposed under Texas Labor Code, §301.0015 and §302.002(d), which provide 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 affect Texas Labor Code, Title 4.

CHAPTER 815. UNEMPLOYMENT INSURANCE

SUBCHAPTER B. BENEFITS, CLAIMS, AND APPEALS

§815.20. Claim for Benefits.

An unemployed individual who has no current benefit year and who wishes to claim benefits shall report to a representative of the Agency in a manner, including telephone, electronic, telephonic, Internet, or other means, that the Agency may approve, and file a claim for benefits. Before receiving benefits, a claimant shall register for work with the public employment office, including workforce centers, serving the individual's area of residence state's labor exchange system and participate in reemployment services, as provided in paragraphs (3) and (7) of this section, unless exempt from one or both of these requirements ~~the requirement~~.

- (1) In case of a mass layoff by an employer, if the last employing unit involved makes an appropriate request, the Agency may accept, in lieu of an initial claim from each individual, a list furnished by the last employer of the individuals to be laid off and who wish to file initial claims for benefits. The list shall reflect, with respect to each individual, all information normally required on the initial claim by the Agency, except the reason for separation. If the Agency approves the request, the listing then may be used by the Agency as an initial claim for each individual on the list.
- (2) After an individual files a valid initial claim, which establishes the claimant's benefit year, the claimant may, during the benefit year, file subsequent continued claims, weekly or biweekly, by telephone ~~telephonic means~~, facsimile (fax) transmission, mail, common carrier, electronic ~~Internet~~, or other means as the Agency may approve in writing, but at intervals of no less than seven consecutive days. A claimant shall file all claims by telephone ~~telephonic means~~, in writing, or orally, during the hours, days, and weeks directed by Agency representatives. Internet filing is available 24 hours each day. If at any time during the benefit year, more than 30 days have elapsed since the filing of the claimant's last claim, the claimant shall file an additional or reopened claim for benefits as defined in §815.1 of this chapter ~~(relating to Definitions)~~ and shall comply with all eligibility requirements for the claims. A claimant who exhausts regular benefits may file continued claims for extended benefits as referenced in §815.26 of this subchapter ~~(relating to Extended Benefit Period Announcement)~~ in the same manner in which the claimant filed claims for regular benefits, but the claimant's claims for extended benefits may be for benefit periods subsequent to the end of the claimant's benefit year.
- (3) An individual who files a claim for benefits shall comply with all Agency requirements ~~of the public employment office in which the claimant files an application for work~~ that are necessary to establish a valid registration for work and for continued reporting to the Agency ~~in that public employment office~~.

The claimant shall comply with an Agency representative's requests, whether oral or written, that are reasonably designed to inform the claimant of the claimant's rights and responsibilities in filing a claim for benefits. The claimant also shall:

- (A) provide evidence, upon request, to establish the claimant's correct Social Security ~~account~~ number;
 - (B) file all claims in the manner directed by the Agency, whether on Agency-provided forms or by ~~telephone~~~~telephonic~~, ~~electronic~~~~Internet~~, or other means approved by the Agency for claims purposes;
 - (C) supply all information within the claimant's knowledge, which is necessary to determine the claimant's rights to benefits under the Act;
 - (D) sign all provided claims forms personally for the claims that are filed in person or by mail or common carrier; and
 - (E) submit all claims filed by mail, common carrier, hand delivery, or by other means, including ~~by telephone~~~~telephonic~~ or ~~electronic~~~~Internet~~, as instructed by the Agency, in accordance with the terms of this section.
- (4) An individual may file a claim by mail, common carrier, hand delivery, or by other means as the Agency may approve, in writing in any of the following circumstances:
- (A) Conditions exist that make it impracticable for the Agency representative to take claims by ~~telephone~~~~telephonic~~, ~~electronic~~~~Internet~~, or other approved means; or
 - (B) The Agency finds that the claimant has good cause for failing to file a claim by ~~telephone~~~~telephonic~~, ~~electronic~~~~Internet~~, or other approved means.
- (5) If a claimant's answer to a question on a claim filed with the Agency creates uncertainty about the claimant's credibility, or a lack of understanding, or the claimant's record shows that the claimant previously filed a fraudulent claim; then the claimant may be required to file written claims on an Agency-approved form in a manner prescribed by the Agency in writing. A claimant required to file a claim under this section shall continue to file the claim in the prescribed manner; until the Agency determines that the reason no longer exists and directs otherwise in writing.
- (6) The following provisions shall apply to the disqualification provisions of the Act, Chapter 207, Subchapter C, concerning disqualification for benefits.

- (A) The term "employment" in the Act, Chapter 207, Subchapter C, shall be interpreted and applied to mean employment as defined in the Act.
- (B) The disqualification to be imposed against an individual who has left work to move with a spouse, as provided in the Act, §207.045(c), shall be construed to mean both a benefits (money payments) and a benefit period (time period) disqualification; and such disqualification shall be restricted in its application to apply only to the range from six weeks to 25 weeks.
- (C) Agency employees are authorized to administer oaths to claimants in an effort to verify that the requalifying requirements of the Act, Chapter 207, Subchapter C, concerning employment or earnings, have been satisfied.
- (D) An employer identified as the employer by whom the claimant was employed, for purposes of satisfying the requalifying requirements of the Act, Chapter 207, Subchapter C, shall be afforded 14 days within which to respond to ~~notice by~~ the Agency's notice ~~Agency~~ of the filing of an additional claim by the claimant.
- (E) In order to satisfy the requirement of the Act, Chapter 207, Subchapter C, concerning returning to employment and working for six weeks, a "work week" shall be defined as seven consecutive days during which the claimant has worked at least 30 hours.
- (F) Disqualifying separations, new benefit year, and extended benefit period.
- (i) A claimant filing an initial claim, continued claim, or additional claim shall be disqualified from receiving benefits if the separation from the claimant's last work is a disqualifying separation as defined in the Act, Chapter 207.
- (ii) If a work separation in a previous benefit year is the last separation prior to a claimant's filing an initial claim that creates a new benefit year, then that work separation may result in a disqualification in the new benefit year in accordance with the provisions of the Act, Chapter 207.
- (iii) A disqualification resulting from a work separation in a benefit year shall continue during the extended benefit period until:
- (I) the extended benefit period is terminated;
- (II) the claimant qualifies to file a new initial claim; or

- (III) the claimant requalifies in accordance with the provisions of the Act, Chapter 207, under which the disqualification was imposed.
- (7) A claimant shall be eligible to receive benefits with respect to any week only if the individual demonstrates the availability for work required by the Act, §207.021(a)(4), and, if required by the Act, §207.021(a)(9)~~§207.021(a)(8)~~, by participating in reemployment services, including, but not limited to, job search assistance, if:
- (A) the claimant has been determined, according to a process established by the Agency, to be likely to exhaust regular benefits and to need needs reemployment services to obtain new employment; or pursuant to a profiling system established by the Agency.
 - (B) the Agency has determined that participation in reemployment services is in furtherance of the following goals:
 - (i) reduces the duration of unemployment compensation through improved employment outcomes;
 - (ii) strengthens the integrity of the unemployment compensation program;
 - (iii) promotes alignment with the vision of the Workforce Innovation and Opportunity Act;
 - (iv) establishes reemployment services as an entry point to other workforce system partner programs; and
 - (v) demonstrates the effectiveness of reemployment services.
- (8) The following categories of claimants are exempt from the requirement to register for work:
- (A) individuals on temporary layoff with a definite date to return to work;
 - (B) members in good standing in unions that maintain a hiring hall; ~~and~~
 - (C) individuals participating in a Shared Work plan as defined in the Act, Chapter 215~~;~~
 - (D) individuals in areas affected by a disaster, as declared by the governor of this state and the president of the United States, if approved by the Agency executive director and approved by the US Department of Labor; and

(E) individuals employed by the federal government who are in temporary layoff status due to a federal government furlough or shutdown, and who will return to their federal government employment when the furlough or shutdown ends.

(9) Withholding from Benefits for Federal Income Tax.

(A) An individual filing a new claim for unemployment compensation shall, at the time of filing the claim, be advised that:

(i) unemployment compensation is subject to federal, state, and local income tax;

(ii) requirements exist pertaining to estimated tax payments;

(iii) the individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code; and

(iv) the individual shall be permitted to change a previously elected withholding status.

(B) Amounts deducted and withheld from unemployment compensation shall remain in the unemployment fund until transferred to the federal taxing authority as a payment of income tax.

(C) The Agency shall follow all procedures specified by the US~~United States~~ Department of Labor and the federal Internal Revenue Service pertaining to deducting and withholding ~~of~~ income tax.

(D) Amounts shall be deducted and withheld under this section only after amounts are deducted and withheld under any other provisions of the Act.

(10) An employer's protest to an initial, additional, or continued claim made in accordance with the Act, §208.004, may be delivered by telephone~~telephonic means~~, which includes a verification procedure approved by the Agency in writing, mail, common carrier, facsimile (fax), internet~~Internet~~, or other means approved by the Agency in writing and as prescribed in the Agency's notice of claim form.

(11) A claimant shall verify his or her identity as required by the Agency, including electronically, by telephone, or in person. The Agency may require a claimant to complete identity verification with the Agency; a local, state, or federal

partner; or a third-party vendor. A claimant may be required to verify his or her identity when the Agency believes or suspects the claimant's identity is in question. The Agency may also require all claimants to verify their identity. A claimant's failure to verify his or her identity, as required by the Agency, shall result in the claimant being held ineligible under the Act, §207.021(a)(1).

§815.28. Work Search Requirements.

- (a) Purpose. The purpose of this ~~section~~~~rule~~ is to describe the work search requirements and process that ~~must be met for~~ claimants ~~must meet~~ to continue to receive unemployment compensation benefits. A claimant is required to register for work, to actively seek work and be available for work, as well as accept suitable work. The rule also describes the process to be ~~used~~~~utilized~~ by Local Workforce Development Boards (Boards) when formulating the numerical weekly work search contact requirements.
- (1) A claimant shall be considered available for work during the time the claimant is making a reasonable search for suitable work as defined by this section.
- (A) Work registration alone does not establish that the claimant is making a reasonable search for suitable work.
- (B) The claimant shall make a personal and diligent search for work.
- (C) Unreasonable limitations by a claimant as to salary, hours, or conditions of work indicate that a claimant is not making a reasonable search for suitable work.
- (D) The Agency expects each claimant to act in the same manner as a prudent person who is out of work and seeking work.
- (E) This section shall not apply to individuals who are:
- (i) ~~individuals~~ participating in a Shared Work plan, §215.041(c) of the Act;
- (ii) ~~individuals~~ participating in ~~Agency-approved~~~~Agency-approved~~ or Trade Act training, as described in §207.022 and §207.023 of the Act;
- (iii) ~~individuals~~ on temporary layoff with a definite date to return to work that is within eight weeks or less from the date of layoff;
- (iv) ~~individuals~~ on temporary layoff with a definite ~~return to work~~ date to return to work that is within ~~eight-to-12~~~~eight-to-12~~ weeks from the date of layoff, provided the exemption from work search

requirements is explicitly requested in writing by the separating employer;

- (v) ~~individuals~~ on temporary layoff with a definite return to work date that is more than 12 weeks from the date of layoff provided that a waiver from work search requirements is requested by the separating employer and granted by the Agency ~~executive director~~ Executive Director. The Agency executive director's ~~Executive Director's~~ decision is subject to review in any benefits appeal where ineligibility results from the decision. The requesting employer is a party of interest to any such appeal, as described in §815.15(c)(6) of this subchapter;
 - (vi) ~~individuals who are~~ members in good standing of a union that maintains a nondiscriminatory hiring hall, as that term is defined by the Landrum-Griffin Act, and who maintain contact with and use the placement services of the hiring hall;
 - (vii) ~~individuals who perform~~ performing jury service for a period of three days or longer, during the weeks in which the individual is actively performing jury service; ~~or~~
 - (viii) in areas affected by a disaster, as declared by the governor of this state and the president of the United States, if approved by the Agency executive director and approved by the US Department of Labor;
 - (ix) employed by the federal government who are in temporary layoff status due to a government furlough or shutdown, and who will return to their federal government employment when the furlough or shutdown ends; or
 - (x) ~~(viii) individuals who are~~ otherwise exempted by law.
- (F) This section shall apply to all claimants unless specifically exempted, including:
- (i) recipients of state-extended ~~state-extended~~ unemployment benefits, who are required to actively seek work under the Act ~~Texas Labor Code~~, §209.043;
 - (ii) recipients of federal extended unemployment benefits, except that if the legislation establishing such benefits or administrative directives for administering such benefits include work search requirements that, ~~which~~ are in conflict with those established in this

~~section herein~~, the federal requirements or administrative directives shall apply; or

(iii) individuals who are engaged in efforts to establish themselves in a self-employment venture.

(2) The reasonableness of a search for work will, in part, depend upon the employment opportunities in the claimant's labor market area. A work search that may be appropriate in a labor market area with limited opportunities may be totally unacceptable in an area with greater opportunities.

(b) General Work Search Requirements. A claimant shall make the minimum number of weekly work search contacts, as established by the Board for the county in which they reside~~as required by the Agency~~.

(1) The claimant will be notified of the minimum number of weekly work search contacts required.

(2) If there is a change to the minimum weekly number of work search contacts, the claimant shall be notified of the change in writing by US~~U.S.~~-mail.

(3) Claimants are required to maintain weekly work search contact logs and may be required to submit weekly work search contact logs, using an acceptable method as determined by the Agency.

(4) The Agency shall provide to and publish guidelines for claimants describing the types of activities that may constitute a work search contact for purposes of a productive search for suitable work. Examples of such activities include, but are not limited to:

(A) ~~using~~utilizing employment resources available at Texas Workforce Centers that directly lead to obtaining employment, such as:

(i) using local labor market information;

(ii) identifying skills the claimant possesses that are consistent with targeted or demand occupations in the local workforce development area;

(iii) attending job search seminars~~;~~ or other employment workshops that offer instruction in developing effective work search or interviewing techniques;

(iv) obtaining job postings and seeking employment for suitable positions needed by local employers;

- (B) attending job search seminars, job clubs, or other employment workshops that offer instruction in improving individuals' skills for finding and obtaining employment;
 - (C) interviewing with potential employers, in-person or by telephone;
 - (D) registering for work with a private employment agency, placement facility of a school, or college or university if one is available to the claimant in his or her occupation or profession; and
 - (E) other work search activities as may be provided in Agency guidelines.
- (5) Failure to comply with work search requirements, without good cause, could result in an ineligibility determination that may result in a loss of benefits.
- (c) Number of Work Search Requirements. The minimum number of weekly contacts assigned shall be ~~five~~ ~~three~~ work search contacts for all claimants, unless otherwise provided by this section.
 - (d) ~~-~~A Board, based on specific local labor market information and conditions, may advise the Agency that a claimant residing in the workforce area is required to make more than ~~five~~ ~~three~~ work search contacts per week.
 - (e) Rural Counties. In counties designated as "rural" by the Agency, the Board may reduce the minimum number of weekly work search contacts in response to specific local labor market information and conditions. "Rural" counties are defined as those counties having a population estimated by the Texas ~~Demographic State Data~~ Center at ~~The Texas A&M~~ University of Texas at San Antonio to be not more than 10,000 as of July 1 of the most recent year for which county population estimates have been published.
 - (f) ~~Local~~-Boards shall have the flexibility within the guidelines provided in this section to formulate the appropriate minimum number of weekly work search contacts for their respective workforce area, using appropriate guidelines to be developed in consultation with Agency staff, and shall maintain written documentation. Boards shall review the minimum number of weekly work search contacts for each workforce area at least once per year on a date ~~to be~~ determined by the Agency.
 - (g) Local Policies. A ~~Local~~ Board shall develop, adopt, and modify its policies to promulgate the appropriate methodology for formulating the appropriate number of work search contacts for the workforce area in a public process consistent with the procedures required for compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551 *et seq.* A Board shall maintain written copies of the policies that are required by federal and state law, or as requested by the Agency, and make such policies available to the Agency and the public upon request. A Board

shall also submit any modifications, amendments, or new policies to the Agency no later than two weeks after adoption of the policy by the Board.