

1 **Chapter 815 COVID-19 Suitable Work Guidelines**
2 **Policy Concept**

3 **Background**

4 Suitable work and the regulations governing the refusal of work are currently contained in Texas
5 Unemployment Compensation Act (TUCA) §207.008 and §207.047. Both TUCA §207.008 and
6 §207.047 were enacted, in their current form, on September 1, 1993.

7 In response to the COVID-19 pandemic, staff determined that a set of guidelines would provide
8 clarity to Texans who refuse work as a result of COVID-19. These guidelines were supported by
9 the Texas Workforce Commission’s three-member Commission (Commission) on June 16, 2020,
10 and operate within existing laws and Commission rules and precedents.

11 At the Commission meeting on June 30, 2020, Commissioner Julian Alvarez requested staff to
12 develop a policy concept to implement the suitable work guidelines in a rule-based form. This
13 policy concept was developed to comply with that request. While Unemployment Insurance (UI)
14 staff does not offer a recommendation to proceed with rulemaking, if the Commission approves
15 the policy concept, it may be advisable for the rule to be implemented on an emergency basis in
16 response to the COVID-19 pandemic.

17 **Issue 1: Create a New Rule under Chapter 815 to Promulgate COVID-19 Suitable Work**
18 **Guidelines**

19 TWC Chapter 815 Unemployment Insurance rule §815.29 addresses the coordination of regular
20 benefits, extended benefits, and benefits provided on an emergency basis, as enacted by the
21 Coronavirus Aid, Relief, and Economic Security (CARES) Act; therefore, if this policy concept
22 is approved, it may be advisable to create §815.31 to contain the proposed rule.

23 **Issue 2: The Suitable Work Guidelines**

24 Based on Commission direction provided on June 30, 2020, UI identifies the following
25 guidelines, to be utilized for UI benefits programs in which TUCA § 207.008 is applicable, for
26 inclusion if the Commission determines to proceed with rulemaking:

27 A claimant will not be disqualified for refusing an offer of suitable work when any of the
28 following COVID-related conditions apply:

- 29 • At high risk – People 65 years or older, and/or people with medical issues, like heart disease,
30 diabetes, cancer, or a weakened immune system, or are at a higher risk for getting very sick from
31 COVID-19.
- 32 • Household member at high risk – People 65 years or older and/or people with medical issues, like
33 heart disease, diabetes, cancer or a weakened immune system, or are at a higher risk for getting
34 very sick from COVID-19.
- 35 • Diagnosed with COVID – the individual has tested positive for COVID-19 by a source
36 authorized by the State of Texas and is not recovered.
- 37 • Family member with COVID – anybody in the household has tested positive for COVID-19 by
38 an authorized source and is not recovered and 14 days have not yet passed.
- 39 • Quarantined – individual is currently in 14-day quarantine due to close contact exposure to
40 COVID-19.
- 41 • Child care – Child’s school or daycare closed and no reasonable alternatives are available.

1 **Issue 3: Establish the Rule on an Emergency Basis**

2 Because the rule at issue in this policy concept specifically addresses scenarios related to
3 COVID-19, it may be advisable that the rule, if determined appropriate, be implemented on an
4 emergency basis.

5 **Decision Points**

6 Whether to proceed with rulemaking to:

- 7 • promulgate the current suitable work guidelines; and
8 • implement this rule on an emergency basis.