

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-48 (rev. 7), “UNEMPLOYMENT BENEFITS”
OCTOBER 1, 2019

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE NUMBER</u>
<u>AUTHORITY</u>	1
<u>APPLICABILITY</u>	1
<u>EMPLOYMENT AT WILL CLAUSE</u>	1
<u>POLICY STATEMENT</u>	1
<u>DEFINITIONS</u>	1
<u>DISCUSSION</u>	2
<u>PROCEDURES</u>	
I. Claimant’s Responsibilities	2
II. TDCJ Human Resources’ Claim Response	2
III. Appeal of a Texas Workforce Commission Determination.....	3
IV. Texas Workforce Commission Hearing.....	3
V. Questions or Claims Submitted to Human Resources Representatives.....	4



TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

NUMBER: PD-48 (rev. 7)

DATE: October 1, 2019

PAGE: 1 of 4

SUPERSEDES: PD-48 (rev. 6)
September 1, 2015

EXECUTIVE DIRECTIVE

SUBJECT: UNEMPLOYMENT BENEFITS

AUTHORITY: Tex. Gov't Code §§ 493.001, 493.006(b); *Texas Unemployment Compensation Act*, Tex. Lab. Code §§ 201.001–215.044; BP-02.08, "Statement of Internal Controls"

APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

EMPLOYMENT AT WILL CLAUSE:

This directive **does not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of this directive at any time.

Nothing in this directive limits the executive director's authority to establish or revise human resources policy. This directive guides the operations of the TDCJ and **does not** create a legally enforceable interest for employees or limit the executive director's, deputy executive director's, or division directors' authority to terminate an employee at will.

POLICY:

A current or former TDCJ employee may be eligible to receive unemployment benefits through the unemployment benefits program administered by the Texas Workforce Commission (TWC).

DEFINITIONS:

The below terms are defined for the purpose of this policy and are not intended to be applicable to other policies or procedures.

"Claimant" is a current or former employee pursuing an unemployment benefits claim.

"Hearing Officer" is a person employed or appointed by the TWC to hear and decide disputed claims for unemployment benefits under the *Texas Unemployment Compensation Act*.

“Reduction-in-Force” (RIF) is the involuntary separation from employment of an employee whose position has been eliminated by the TDCJ for reasons not related to job performance or disciplinary violations.

“Unemployment Benefits” is a weekly payment made to a qualified claimant from an unemployment compensation fund contributed to by employers under the *Texas Unemployment Compensation Act*.

“Witness” is a person who has firsthand knowledge pertinent to an issue under review.

DISCUSSION:

The TDCJ does not directly or indirectly exercise any management decisions in the unemployment benefits program. Determination of claimant eligibility, disbursement of benefits, and all other aspects of unemployment benefits program administration is a function of the TWC. The Unemployment Benefits Section of the TWC makes determinations of eligibility on a case-by-case basis.

Information regarding unemployment claim procedures, updating personal TWC account information, or accessing TWC publications or other documents should be obtained through the TWC website at www.twc.texas.gov or the local TWC office.

PROCEDURES:

I. Claimant’s Responsibilities

A claim for unemployment benefits may be filed:

- A. Electronically through the TWC website at www.twc.texas.gov from a computer located in a Workforce Solutions office or any other personal computer; or
- B. Via telephone. The TWC’s toll free number is 1-800-939-6631.

II. TDCJ Human Resources’ Claim Response

Upon the receipt of a claim, Employee Relations, Human Resources Division shall respond in writing to the TWC and include any facts that may affect the claimant’s eligibility to receive unemployment benefits.

III. Appeal of a Texas Workforce Commission Determination

The appeal of a TWC determination results in a hearing.

- A. If a TWC investigation results in a determination in favor of the claimant, Employee Relations, Human Resources Division shall appeal the claim, unless the claim resulted from a RIF or the Human Resources Division director or designee determines the appeal is not in the best interest of the TDCJ.
- B. If a claimant appeals a TWC decision, Employee Relations shall prepare a defense, request the attendance of witness(es), and appear at the hearing.

IV. Texas Workforce Commission Hearing

- A. A TWC unemployment benefits hearing is a fact-finding process that uses a question and answer method. Each side may present testimony, witnesses, and documentation relevant to its case.
- B. TWC hearings are held by telephone, and the TWC schedules all hearings. The TDCJ cannot change the date or time of a hearing.
- C. If the TDCJ requires an employee to give testimony:
 - 1. The employee shall give testimony over the phone at the employee's assigned unit, department, or temporary assigned duty point.
 - 2. The hearing is official business, and the employee's time shall be reported as time worked. Employees shall advise their warden or department head prior to the scheduled appearance, providing the employee's supervisor with sufficient notice to provide adequate staffing.
- D. If an employee is testifying as a claimant, or if an employee is requested to testify as a witness on behalf of a claimant:
 - 1. The employee or claimant shall not be entitled to report the service as time worked and shall take accrued leave or leave without pay in accordance with TDCJ leave policies.
 - 2. The employee or claimant shall not use state equipment to prepare for or participate in the hearing, or the employee or claimant shall be subject to disciplinary action in accordance with PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees."

V. Questions or Claims Submitted to Human Resources Representatives

A human resources representative shall refer any question regarding unemployment benefits to Employee Relations, Human Resources Division. If a unit or department receives a claim for unemployment benefits, the human resources representative shall immediately forward a copy of the claim to Employee Relations and mail the original document via first class mail to Employee Relations, Human Resources Division, 2 Financial Plaza, Suite #600, Huntsville, Texas 77340.

Bryan Collier
Executive Director