

1 **TEXT.**

2 **§130.102. Eligibility for Supplemental Income Benefits; Amount.**

3 (a) - (c) (No change.)

4 (d) Work Search Requirements.

5 (1) An injured employee demonstrates an active effort to obtain
6 employment by meeting at least one or any combination of the following work search
7 requirements each week during the entire qualifying period:

8 (A) has returned to work in a position which is commensurate with
9 the injured employee's ability to work. [;]

10 (B) has actively participated in a vocational rehabilitation program as
11 defined in §130.101 of this title (~~relating to~~ Definitions). [;]

12 (C) has actively participated in work search efforts conducted
13 through the Texas Workforce Commission (TWC). [;]

14 (D) has performed active work search efforts documented by job
15 applications the injured employee submitted. For purposes of this section, "job
16 application" means a physical or electronic form or other document that is submitted to
17 an employer or its designated representative to provide information about a candidate
18 for a specific position. [~~;~~]

19 (E) has been unable to perform any type of work in any capacity, has
20 provided a narrative report from a doctor that [~~which~~] specifically explains how the injury
21 causes a total inability to work, and no other records show that the injured employee is
22 able to return to work.

23 (2) An injured employee who has not met at least one of the work search
24 requirements in any week during the qualifying period is not entitled to SIBs unless the
25 injured employee can demonstrate that he or she had reasonable grounds for failing to
26 comply with the work search requirements under this section.

1 (e) Vocational Rehabilitation. As provided in subsection (d)(1)(B) of this section,
2 regarding active participation in a vocational rehabilitation program, an injured employee
3 must ~~[shall]~~ provide documentation sufficient to establish that he or she has actively
4 participated in a vocational rehabilitation program during the qualifying period.

5 (f) Work Search Efforts. As provided in subsection (d)(1)(C) and (D) of this section
6 regarding active participation in work search efforts and active work search efforts, an
7 injured employee must ~~[shall]~~ provide documentation sufficient to establish that he or she
8 has, each week during the qualifying period, made the minimum number of work search
9 efforts, including submitting the minimum number of job applications, ~~[and or work~~
10 ~~search contacts]~~ consistent with the work search efforts ~~[contacts]~~ established by TWC
11 that ~~[which]~~ are required for unemployment compensation in the injured employee's
12 county of residence under ~~[pursuant to]~~ the TWC Local Workforce Development Board
13 requirements.

14 (1) If the required number of work search efforts ~~[contacts]~~ changes during
15 a qualifying period, the lesser number of work search efforts ~~is~~ ~~[contacts shall be]~~ the
16 required minimum number of work search efforts ~~[contacts]~~ for that period.

17 (2) If the injured employee is residing out of state, the minimum number of
18 work search efforts ~~[contacts]~~ required ~~is~~ ~~[will be]~~ the number required by the public
19 employment service under ~~[in accordance with]~~ applicable unemployment compensation
20 laws for the injured employee's place of residence.

21 (g) (No change.)

22 (h) Maximum Medical Improvement and Impairment Rating Disputes. If there is no
23 pending dispute regarding the date of maximum medical improvement or the impairment
24 rating before ~~[prior to]~~ the expiration of the first quarter, the date of maximum medical
25 improvement and the impairment rating ~~is~~ ~~[shall be]~~ final and binding.

26 (i) (No change.)