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H.B. No. 3697

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the eligibility for unemployment compensation of  
3 certain employees who leave the workplace to care for a minor child  
4 and to a requirement that the Texas Workforce Commission pilot the  
5 use of certain third-party employment and income information to  
6 assist with determining unemployment benefit eligibility.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Section 207.046(a), Labor Code, is amended to  
9 read as follows:

10 (a) An individual is not disqualified for benefits under  
11 this subchapter if:

12 (1) the work-related reason for the individual's  
13 separation from employment was urgent, compelling, and necessary so  
14 as to make the separation involuntary;

15 (2) the individual leaves the workplace to protect the  
16 individual from family violence or stalking or the individual or a  
17 member of the individual's immediate family from violence related  
18 to a sexual assault as evidenced by:

19 (A) an active or recently issued protective order  
20 documenting sexual assault of the individual or a member of the  
21 individual's immediate family or family violence against, or the  
22 stalking of, the individual or the potential for family violence  
23 against, or the stalking of, the individual;

24 (B) a police record documenting sexual assault of

1 the individual or a member of the individual's immediate family or  
2 family violence against, or the stalking of, the individual;

3 (C) a physician's statement or other medical  
4 documentation that describes the sexual assault of the individual  
5 or a member of the individual's immediate family or family violence  
6 against the individual that:

7 (i) is recorded in any form or medium that  
8 identifies the individual or member of the individual's immediate  
9 family, as applicable, as the patient; and

10 (ii) relates to the history, diagnosis,  
11 treatment, or prognosis of the patient; or

12 (D) written documentation from a family violence  
13 center or rape crisis center that describes the sexual assault of  
14 the individual or a member of the individual's immediate family or  
15 family violence against the individual; ~~or~~

16 (3) the individual leaves the workplace to care for  
17 the individual's terminally ill spouse as evidenced by a  
18 physician's statement or other medical documentation, but only if  
19 no reasonable, alternative care was available; or

20 (4) the individual leaves the workplace to care for  
21 the individual's minor child due to an unexpected illness,  
22 accident, or other unforeseeable event, but only if no reasonable,  
23 alternative care was available.

24 SECTION 2. (a) In this section, "real-time employment and  
25 income information" means up-to-date, non-modeled employment and  
26 income data provided by employers and payroll providers.

27 (b) In order to improve the timeliness of unemployment

1 compensation payments, operational efficiencies, and cost savings  
2 and to minimize fraud, the Texas Workforce Commission shall  
3 participate in a no-cost pilot by which the commission shall obtain  
4 real-time employment and income information from a third-party  
5 commercial consumer reporting agency, in accordance with the  
6 federal Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.),  
7 for the purpose of assisting with the determination of an  
8 individual's eligibility to receive unemployment benefits,  
9 including to conduct an analysis on the pilot.

10 (c) The Texas Workforce Commission shall report on the value  
11 of integrating real-time employment and income information into  
12 existing verification and eligibility determination procedures and  
13 the potential to identify fraud and produce cost savings.

14 SECTION 3. The change in law made by this Act to Section  
15 [207.046\(a\)](#), Labor Code, applies only to a claim for unemployment  
16 compensation benefits filed with the Texas Workforce Commission on  
17 or after the effective date of this Act. A claim filed before the  
18 effective date of this Act is governed by the law in effect on the  
19 date the claim was filed, and the former law is continued in effect  
20 for that purpose.

21 SECTION 4. This Act takes effect September 1, 2021.