

By: Powell, et al.
(Turner of Tarrant)

S.B. No. 818

A BILL TO BE ENTITLED

AN ACT

1
2 relating to unemployment compensation eligibility and chargebacks
3 regarding certain persons separated from employment due to being
4 called to military service.

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

6 SECTION 1. Section 204.022(a), Labor Code, is amended to
7 read as follows:

8 (a) Benefits computed on benefit wage credits of an employee
9 or former employee may not be charged to the account of an employer
10 if the employee's last separation from the employer's employment
11 before the employee's benefit year:

12 (1) was required by a federal statute;

13 (2) was required by a statute of this state or an
14 ordinance of a municipality of this state;

15 (3) would have disqualified the employee under Section
16 207.044, 207.045, 207.051, or 207.053 if the employment had been
17 the employee's last work;

18 (4) imposes a disqualification under Section 207.044,
19 207.045, 207.051, or 207.053;

20 (5) was caused by a medically verifiable illness of
21 the employee or the employee's minor child;

22 (6) was based on a natural disaster that results in a
23 disaster declaration by the president of the United States under
24 the Robert T. Stafford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. Section 5121 et seq.), if the employee would have been
2 entitled to unemployment assistance benefits under Section 410 of
3 that act (42 U.S.C. Section 5177) had the employee not received
4 state unemployment compensation benefits;

5 (7) was caused by a natural disaster, fire, flood, or
6 explosion that causes employees to be separated from one employer's
7 employment;

8 (8) was based on a disaster that results in a disaster
9 declaration by the governor under Section 418.014, Government Code;

10 (9) resulted from the employee's resigning from
11 partial employment to accept other employment that the employee
12 reasonably believed would increase the employee's weekly wage;

13 (10) was caused by the employer being called to active
14 military service in any branch of the United States armed forces on
15 or after January 1, 2003;

16 (11) resulted from the employee leaving the employee's
17 workplace to protect the employee from family violence or stalking
18 or the employee or a member of the employee's immediate family from
19 violence related to a sexual assault as evidenced by:

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

25 (B) a police record documenting sexual assault of
26 the employee or a member of the employee's immediate family or
27 family violence against, or the stalking of, the employee;

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

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

8 (ii) relates to the history, diagnosis,
9 treatment, or prognosis of the patient; or

10 (D) written documentation from a family violence
11 center or rape crisis center that describes the sexual assault of
12 the employee or a member of the employee's immediate family or
13 family violence against the employee;

14 (12) resulted from a move from the area of the
15 employee's employment that:

16 (A) was made with the employee's spouse who is a
17 member of the armed forces of the United States; and

18 (B) resulted from the spouse's permanent change
19 of station of longer than 120 days or a tour of duty of longer than
20 one year;

21 (13) was caused by the employee being unable to
22 perform the work as a result of a disability for which the employee
23 is receiving disability insurance benefits under 42 U.S.C. Section
24 423;

25 (14) resulted from the employee leaving the employee's
26 workplace to care for the employee's terminally ill spouse as
27 evidenced by a physician's statement or other medical

1 documentation, but only if no reasonable, alternative care was
2 available;

3 (15) was caused by the employer's reinstatement of a
4 qualified uniformed service member with reemployment rights and
5 benefits and other employment benefits in accordance with the
6 Uniformed Services Employment and Reemployment Rights Act of 1994
7 (38 U.S.C. Section 4301 et seq.); [~~or~~]

8 (16) was caused by the employee being called to
9 provide service in the uniformed services, as defined by 38 U.S.C.
10 Section 4303, or in the Texas military forces, as defined by Section
11 437.001, Government Code, unless the employer has been found to be
12 in violation of reemployment provisions of the Uniformed Services
13 Employment and Reemployment Rights Act of 1994 (38 U.S.C. Section
14 4301 et seq.) or Section 437.204, Government Code, with respect to
15 the employee; or

16 (17) was due to a reason that:

17 (A) constitutes an involuntary separation under
18 Section 207.046(a)(1); and

19 (B) does not constitute good cause connected with
20 the employee's work under Section 207.045 for the employee to
21 voluntarily leave the employment.

22 SECTION 2. Section 207.046(a), Labor Code, is amended to
23 read as follows:

24 (a) An individual is not disqualified for benefits under
25 this subchapter if:

26 (1) the work-related reason for the individual's
27 separation from employment was urgent, compelling, and necessary so

1 as to make the separation involuntary;

2 (2) the individual leaves the workplace to protect the
3 individual from family violence or stalking or the individual or a
4 member of the individual's immediate family from violence related
5 to a sexual assault as evidenced by:

6 (A) an active or recently issued protective order
7 documenting sexual assault of the individual or a member of the
8 individual's immediate family or family violence against, or the
9 stalking of, the individual or the potential for family violence
10 against, or the stalking of, the individual;

11 (B) a police record documenting sexual assault of
12 the individual or a member of the individual's immediate family or
13 family violence against, or the stalking of, the individual;

14 (C) a physician's statement or other medical
15 documentation that describes the sexual assault of the individual
16 or a member of the individual's immediate family or family violence
17 against the individual that:

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

21 (ii) relates to the history, diagnosis,
22 treatment, or prognosis of the patient; or

23 (D) written documentation from a family violence
24 center or rape crisis center that describes the sexual assault of
25 the individual or a member of the individual's immediate family or
26 family violence against the individual; ~~[or]~~

27 (3) the individual leaves the workplace to care for

1 the individual's terminally ill spouse as evidenced by a
2 physician's statement or other medical documentation, but only if
3 no reasonable, alternative care was available; or

4 (4) the individual's separation from employment was
5 caused by the individual being called to provide:

6 (A) service in the uniformed services, as defined
7 by 38 U.S.C. Section 4303; or

8 (B) service in the Texas military forces, as
9 defined by Section 437.001, Government Code.

10 SECTION 3. The changes in law made by this Act do not affect
11 any reemployment rights and benefits or other employment benefits
12 to which an employee may be entitled in accordance with the
13 Uniformed Services Employment and Reemployment Rights Act of 1994
14 (38 U.S.C. Section 4301 et seq.).

15 SECTION 4. The changes in law made by this Act apply only to
16 eligibility for unemployment compensation benefits based on an
17 unemployment compensation claim that is filed with the Texas
18 Workforce Commission on or after the effective date of this Act. A
19 claim filed before the effective date of this Act is governed by the
20 law in effect on the date the claim was filed, and the former law is
21 continued in effect for that purpose.

22 SECTION 5. This Act takes effect September 1, 2021.