

1-1 By: Powell S.B. No. 818
1-2 (In the Senate - Filed February 25, 2021; March 11, 2021,
1-3 read first time and referred to Committee on Natural Resources &
1-4 Economic Development; April 12, 2021, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; April 12, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Birdwell</u>	X		
1-9	<u>Zaffirini</u>	X		
1-10	<u>Alvarado</u>	X		
1-11	<u>Hancock</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Hughes</u>	X		
1-14	<u>Kolkhorst</u>	X		
1-15	<u>Lucio</u>	X		
1-16	<u>Seliger</u>	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to unemployment compensation eligibility and chargebacks
1-20 regarding certain persons separated from employment due to being
1-21 called to military service.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section [204.022\(a\)](#), Labor Code, is amended to
1-24 read as follows:

1-25 (a) Benefits computed on benefit wage credits of an employee
1-26 or former employee may not be charged to the account of an employer
1-27 if the employee's last separation from the employer's employment
1-28 before the employee's benefit year:

1-29 (1) was required by a federal statute;

1-30 (2) was required by a statute of this state or an
1-31 ordinance of a municipality of this state;

1-32 (3) would have disqualified the employee under Section
1-33 [207.044](#), [207.045](#), [207.051](#), or [207.053](#) if the employment had been
1-34 the employee's last work;

1-35 (4) imposes a disqualification under Section [207.044](#),
1-36 [207.045](#), [207.051](#), or [207.053](#);

1-37 (5) was caused by a medically verifiable illness of
1-38 the employee or the employee's minor child;

1-39 (6) was based on a natural disaster that results in a
1-40 disaster declaration by the president of the United States under
1-41 the Robert T. Stafford Disaster Relief and Emergency Assistance Act
1-42 (42 U.S.C. Section 5121 et seq.), if the employee would have been
1-43 entitled to unemployment assistance benefits under Section 410 of
1-44 that act (42 U.S.C. Section 5177) had the employee not received
1-45 state unemployment compensation benefits;

1-46 (7) was caused by a natural disaster, fire, flood, or
1-47 explosion that causes employees to be separated from one employer's
1-48 employment;

1-49 (8) was based on a disaster that results in a disaster
1-50 declaration by the governor under Section [418.014](#), Government Code;

1-51 (9) resulted from the employee's resigning from
1-52 partial employment to accept other employment that the employee
1-53 reasonably believed would increase the employee's weekly wage;

1-54 (10) was caused by the employer being called to active
1-55 military service in any branch of the United States armed forces on
1-56 or after January 1, 2003;

1-57 (11) resulted from the employee leaving the employee's
1-58 workplace to protect the employee from family violence or stalking
1-59 or the employee or a member of the employee's immediate family from
1-60 violence related to a sexual assault as evidenced by:

1-61 (A) an active or recently issued protective order

2-1 documenting sexual assault of the employee or a member of the
 2-2 employee's immediate family or family violence against, or the
 2-3 stalking of, the employee or the potential for family violence
 2-4 against, or the stalking of, the employee;

2-5 (B) a police record documenting sexual assault of
 2-6 the employee or a member of the employee's immediate family or
 2-7 family violence against, or the stalking of, the employee;

2-8 (C) a physician's statement or other medical
 2-9 documentation that describes the sexual assault of the employee or
 2-10 a member of the employee's immediate family or family violence
 2-11 against the employee that:

2-12 (i) is recorded in any form or medium that
 2-13 identifies the employee or member of the employee's immediate
 2-14 family, as applicable, as the patient; and

2-15 (ii) relates to the history, diagnosis,
 2-16 treatment, or prognosis of the patient; or

2-17 (D) written documentation from a family violence
 2-18 center or rape crisis center that describes the sexual assault of
 2-19 the employee or a member of the employee's immediate family or
 2-20 family violence against the employee;

2-21 (12) resulted from a move from the area of the
 2-22 employee's employment that:

2-23 (A) was made with the employee's spouse who is a
 2-24 member of the armed forces of the United States; and

2-25 (B) resulted from the spouse's permanent change
 2-26 of station of longer than 120 days or a tour of duty of longer than
 2-27 one year;

2-28 (13) was caused by the employee being unable to
 2-29 perform the work as a result of a disability for which the employee
 2-30 is receiving disability insurance benefits under 42 U.S.C. Section
 2-31 423;

2-32 (14) resulted from the employee leaving the employee's
 2-33 workplace to care for the employee's terminally ill spouse as
 2-34 evidenced by a physician's statement or other medical
 2-35 documentation, but only if no reasonable, alternative care was
 2-36 available;

2-37 (15) was caused by the employer's reinstatement of a
 2-38 qualified uniformed service member with reemployment rights and
 2-39 benefits and other employment benefits in accordance with the
 2-40 Uniformed Services Employment and Reemployment Rights Act of 1994
 2-41 (38 U.S.C. Section 4301 et seq.); ~~or~~

2-42 (16) was caused by the employee being called to
 2-43 provide service in the uniformed services, as defined by 38 U.S.C.
 2-44 Section 4303, or in the Texas military forces, as defined by Section
 2-45 437.001, Government Code, unless the employer has been found to be
 2-46 in violation of reemployment provisions of the Uniformed Services
 2-47 Employment and Reemployment Rights Act of 1994 (38 U.S.C. Section
 2-48 4301 et seq.) or Section 437.204, Government Code, with respect to
 2-49 the employee; or

2-50 (17) was due to a reason that:

2-51 (A) constitutes an involuntary separation under
 2-52 Section 207.046(a)(1); and

2-53 (B) does not constitute good cause connected with
 2-54 the employee's work under Section 207.045 for the employee to
 2-55 voluntarily leave the employment.

2-56 SECTION 2. Section 207.046(a), Labor Code, is amended to
 2-57 read as follows:

2-58 (a) An individual is not disqualified for benefits under
 2-59 this subchapter if:

2-60 (1) the work-related reason for the individual's
 2-61 separation from employment was urgent, compelling, and necessary so
 2-62 as to make the separation involuntary;

2-63 (2) the individual leaves the workplace to protect the
 2-64 individual from family violence or stalking or the individual or a
 2-65 member of the individual's immediate family from violence related
 2-66 to a sexual assault as evidenced by:

2-67 (A) an active or recently issued protective order
 2-68 documenting sexual assault of the individual or a member of the
 2-69 individual's immediate family or family violence against, or the

3-1 stalking of, the individual or the potential for family violence
3-2 against, or the stalking of, the individual;

3-3 (B) a police record documenting sexual assault of
3-4 the individual or a member of the individual's immediate family or
3-5 family violence against, or the stalking of, the individual;

3-6 (C) a physician's statement or other medical
3-7 documentation that describes the sexual assault of the individual
3-8 or a member of the individual's immediate family or family violence
3-9 against the individual that:

3-10 (i) is recorded in any form or medium that
3-11 identifies the individual or member of the individual's immediate
3-12 family, as applicable, as the patient; and

3-13 (ii) relates to the history, diagnosis,
3-14 treatment, or prognosis of the patient; or

3-15 (D) written documentation from a family violence
3-16 center or rape crisis center that describes the sexual assault of
3-17 the individual or a member of the individual's immediate family or
3-18 family violence against the individual; [~~or~~]

3-19 (3) the individual leaves the workplace to care for
3-20 the individual's terminally ill spouse as evidenced by a
3-21 physician's statement or other medical documentation, but only if
3-22 no reasonable, alternative care was available; or

3-23 (4) the individual's separation from employment was
3-24 caused by the individual being called to provide:

3-25 (A) service in the uniformed services, as defined
3-26 by 38 U.S.C. Section 4303; or

3-27 (B) service in the Texas military forces, as
3-28 defined by Section 437.001, Government Code.

3-29 SECTION 3. The changes in law made by this Act do not affect
3-30 any reemployment rights and benefits or other employment benefits
3-31 to which an employee may be entitled in accordance with the
3-32 Uniformed Services Employment and Reemployment Rights Act of 1994
3-33 (38 U.S.C. Section 4301 et seq.).

3-34 SECTION 4. The changes in law made by this Act apply only to
3-35 eligibility for unemployment compensation benefits based on an
3-36 unemployment compensation claim that is filed with the Texas
3-37 Workforce Commission on or after the effective date of this Act. A
3-38 claim filed before the effective date of this Act is governed by the
3-39 law in effect on the date the claim was filed, and the former law is
3-40 continued in effect for that purpose.

3-41 SECTION 5. This Act takes effect September 1, 2021.

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