

By: Powell

S.B. No. 819

A BILL TO BE ENTITLED

AN ACT

1
2 relating to unemployment compensation eligibility and chargebacks
3 regarding certain persons who are separated from employment due to
4 family violence or stalking.

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; or

14 (E) the employee's testimony and corroborating
15 testimony or other evidence that establishes the employee was the
16 victim of family violence or stalking;

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

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

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

24 (13) was caused by the employee being unable to
25 perform the work as a result of a disability for which the employee
26 is receiving disability insurance benefits under 42 U.S.C. Section
27 423;

1 (14) resulted from the employee leaving the employee's
2 workplace to care for the employee's terminally ill spouse as
3 evidenced by a physician's statement or other medical
4 documentation, but only if no reasonable, alternative care was
5 available;

6 (15) was caused by the employer's reinstatement of a
7 qualified uniformed service member with reemployment rights and
8 benefits and other employment benefits in accordance with the
9 Uniformed Services Employment and Reemployment Rights Act of 1994
10 (38 U.S.C. Section 4301 et seq.); or

11 (16) was due to a reason that:

12 (A) constitutes an involuntary separation under
13 Section 207.046(a)(1); and

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

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

19 (a) An individual is not disqualified for benefits under
20 this subchapter if:

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

24 (2) the individual leaves the workplace to protect the
25 individual from family violence or stalking or the individual or a
26 member of the individual's immediate family from violence related
27 to a sexual assault as evidenced by:

1 (A) an active or recently issued protective order
2 documenting sexual assault of the individual or a member of the
3 individual's immediate family or family violence against, or the
4 stalking of, the individual or the potential for family violence
5 against, or the stalking of, the individual;

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

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

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

16 (ii) relates to the history, diagnosis,
17 treatment, or prognosis of the patient; ~~or~~

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

22 (E) the individual's testimony and corroborating
23 testimony or other evidence that establishes the individual was the
24 victim of family violence or stalking; or

25 (3) the individual leaves the workplace to care for
26 the individual's terminally ill spouse as evidenced by a
27 physician's statement or other medical documentation, but only if

1 no reasonable, alternative care was available.

2 SECTION 3. The changes in law made by this Act apply only to
3 a claim for unemployment compensation benefits filed with the Texas
4 Workforce Commission on or after the effective date of this Act. A
5 claim filed before the effective date of this Act is governed by the
6 law in effect on the date the claim was filed, and the former law is
7 continued in effect for that purpose.

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