

By: Chavez

H.B. No. 105

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eligibility of certain victims of family violence
3 for unemployment compensation.

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

5 SECTION 1. Section 204.022, Labor Code, is amended by
6 amending Subsection (a) and adding Subsection (c) to read as
7 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; ~~or~~

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

11 (9) resulted from the employee's reasonable belief
12 that the employee was required to leave the employee's workplace to
13 protect the employee from family violence or stalking.

14 (c) For purposes of Subsection (a)(9):

15 (1) "Family violence" has the meaning assigned by
16 Section 71.004, Family Code; and

17 (2) "Stalking" means conduct described by Section
18 42.072, Penal Code.

19 SECTION 2. Section 207.045(d), Labor Code, is amended to
20 read as follows:

21 (d) Notwithstanding any other provision of this section, an
22 individual who is available to work may not be disqualified for
23 benefits because the individual left work because of:

24 (1) a medically verified illness of the individual or
25 the individual's minor child;

26 (2) injury;

27 (3) disability; ~~or~~

1 (4) pregnancy; or

2 (5) an involuntary separation as described by Section
3 207.046.

4 SECTION 3. Section 207.046, Labor Code, is amended to read
5 as follows:

6 Sec. 207.046. INVOLUNTARY SEPARATION. (a) An individual
7 is not disqualified for benefits under this subchapter if:

8 (1) the work-related reason for the individual's
9 separation from employment was urgent, compelling, and necessary so
10 as to make the separation involuntary; or

11 (2) the individual leaves the workplace because the
12 individual reasonably believes that the individual must leave the
13 workplace to protect the individual from family violence or
14 stalking.

15 (b) In this section:

16 (1) "Family violence" has the meaning assigned by
17 Section 71.004, Family Code; and

18 (2) "Stalking" means conduct described by Section
19 42.072, Penal Code.

20 SECTION 4. This Act applies only to eligibility for
21 unemployment compensation benefits based on an unemployment
22 compensation claim that is filed with the Texas Workforce
23 Commission on or after the effective date of this Act. A claim
24 filed before the effective date of this Act is governed by the law
25 in effect on the date the claim was filed, and the former law is
26 continued in effect for that purpose.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2003.