

By: Dukes, Chavez

H.B. No. 772

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 having been advised by
12 a law enforcement officer, a licensed medical practitioner, or a
13 licensed counselor to leave the employee's workplace to protect the
14 employee from family violence or stalking.

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

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

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

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

27 (2) injury;

- 1 (3) disability; [~~or~~]
- 2 (4) pregnancy; or
- 3 (5) an involuntary separation as described by Section
- 4 207.046.

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

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

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

12 (2) the individual leaves the workplace because the
13 individual has been advised by a law enforcement officer, a
14 licensed medical practitioner, or a licensed counselor to leave the
15 workplace to protect the individual from family violence or
16 stalking.

17 (b) In this section:

18 (1) "Family violence" has the meaning assigned by
19 Section 71.004, Family Code.

20 (2) "Stalking" means conduct described by Section
21 42.072, Penal Code.

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

1 continued in effect for that purpose.

2 SECTION 5. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2003.

COMMITTEE AMENDMENT NO. 1

Amend H.B. No. 772 as follows:

(1) On page 1, line 6, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(2) On page 2, lines 11-13, strike "having been advised by a law enforcement officer, a licensed medical practitioner, or a licensed counselor to leave" and substitute "leaving".

(3) On page 2, line 14, between "stalking" and the period, insert:

as evidenced by:

(A) an active or recently issued protective order documenting family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting family violence against, or the stalking of, the employee;

(C) a physician's statement or other medical documentation of family violence against the employee; or

(D) a statement from a licensed professional counselor, social worker, or other medical professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the employee in addressing the effects of family violence against, or the stalking of, the employee or the employee's family.

(c) Except as provided by law, evidence regarding an employee described by Subsection (a)(9) may not be disclosed to any person without the consent of the employee

1 (4) On page 2, line 15, strike "(c)" and substitute "(d)".

2 (5) On page 3, lines 12-15, strike "because the individual
3 has been advised by a law enforcement officer, a licensed medical
4 practitioner, or a licensed counselor to leave the workplace".

5 (6) On page 3, line 16, between "stalking" and the period,
6 insert:

7 as evidenced by:

8 (A) an active or recently issued protective order
9 documenting family violence against, or the stalking of, the
10 employee or the potential for family violence against, or the
11 stalking of, the employee;

12 (B) a police record documenting family violence
13 against, or the stalking of, the employee;

14 (C) a physician's statement or other medical
15 documentation of family violence against the employee; or

16 (D) a statement from a licensed professional
17 counselor, social worker, or other medical professional, a member
18 of the clergy, an attorney or other legal advocate, a trained staff
19 member of a family violence center, or another professional who has
20 assisted the employee in addressing the effects of family violence
21 against, or the stalking of, the employee or the employee's family.

22 (b) Except as provided by law, evidence regarding an
23 employee described by Subsection (a)(2) may not be disclosed to any
24 person without the consent of the employee

25 (7) On page 3, line 17, strike "(b)" and substitute "(c)".