

By: Telford

H.B. No. 1221

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an exclusion from unemployment compensation
3 chargebacks based on a separation from employment resulting from an
4 employer being called to active military duty.

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

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