

AN ACT

relating to the eligibility for unemployment benefits of certain persons with disabilities.

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

SECTION 1. Subchapter B, Chapter 207, Labor Code, is amended by adding Section 207.0211 to read as follows:

Sec. 207.0211. ELIGIBILITY OF CERTAIN DISABLED PERSONS. A permanently disabled individual is considered to be able to work under Section 207.021(a)(3) and available for work for purposes of Section 207.021(a)(4) if, as a result of the individual's disability, the individual:

(1) is unable to work full-time;

(2) has worked part-time during a substantial part of the individual's base period;

(3) is seeking part-time work consistent with the limitations imposed by the individual's disability; and

(4) is receiving disability insurance benefits under 42 U.S.C. Section 423.

SECTION 2. Section 204.022(a), Labor Code, as amended by Chapters 77, 526, and 817, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(a) Benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment

1 before the employee's benefit year:

2 (1) was required by a federal statute;

3 (2) was required by a statute of this state or an
4 ordinance of a municipality of this state;

5 (3) would have disqualified the employee under Section
6 207.044, 207.045, 207.051, or 207.053 if the employment had been
7 the employee's last work;

8 (4) imposes a disqualification under Section 207.044,
9 207.045, 207.051, or 207.053;

10 (5) was caused by a medically verifiable illness of
11 the employee or the employee's minor child;

12 (6) was based on a natural disaster that results in a
13 disaster declaration by the president of the United States under
14 the Robert T. Stafford Disaster Relief and Emergency Assistance Act
15 (42 U.S.C. Section 5121 et seq.), if the employee would have been
16 entitled to unemployment assistance benefits under Section 410 of
17 that act (42 U.S.C. Section 5177) had the employee not received
18 state unemployment compensation benefits;

19 (7) was caused by a natural disaster, fire, flood, or
20 explosion that causes employees to be separated from one employer's
21 employment;

22 (8) was based on a disaster that results in a disaster
23 declaration by the governor under Section 418.014, Government Code;

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

27 (10) ~~(9)~~ was caused by the employer being called to

1 active military service in any branch of the United States armed
2 forces on or after January 1, 2003;

3 (11) [~~(9)~~] resulted from the employee leaving the
4 employee's workplace to protect the employee from family violence
5 or stalking as evidenced by:

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

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

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

14 (12) was caused by the employee being unable to
15 perform the work as a result of a disability for which the employee
16 is receiving disability insurance benefits under 42 U.S.C. Section
17 423.

18 SECTION 3. (a) The Texas Workforce Commission shall
19 conduct a study on unemployment compensation benefits paid to
20 persons who are eligible under Section 207.0211, Labor Code, as
21 added by this Act. The study must include a statistical analysis of
22 persons who are qualified for benefits under Section 207.0211, the
23 number of persons who receive benefits under that section, the
24 average length of time that the benefits are paid, the amounts of
25 the benefits, and any other information relevant to an analysis of
26 the change in law made by this Act.

27 (b) The Texas Workforce Commission shall report the results

1 of the study under this section to the lieutenant governor, the
2 speaker of the house of representatives, and the legislature not
3 later than December 1, 2006.

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

10 SECTION 5. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 481 was passed by the House on April 27, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 481 on May 23, 2005, by the following vote: Yeas 138, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 481 was passed by the Senate, with amendments, on May 19, 2005, by the following vote: Yeas 28, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor