

By: Campbell

H.B. No. 2401

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eligibility of certain spouses of military
3 personnel for unemployment compensation.

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

5 SECTION 1. Section 204.022(a), Labor Code, as amended by
6 Chapters 77, 526, and 817, Acts of the 78th Legislature, Regular
7 Session, 2003, is reenacted and amended to 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; ~~or~~

13 (10) ~~[(9)]~~ was caused by the employer being called to
14 active military service in any branch of the United States armed
15 forces on or after January 1, 2003;

16 (11) ~~[(9)]~~ resulted from the employee leaving the
17 employee's workplace to protect the employee from family violence
18 or stalking as evidenced by:

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

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

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

27 (12) resulted from a move from the area of the

1 employee's employment that:

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

4 (B) resulted from the spouse's permanent change
5 of station of longer than 120 days or a tour of duty of longer than
6 one year.

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

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

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

14 (2) injury;

15 (3) disability;

16 (4) pregnancy; [~~or~~]

17 (5) an involuntary separation as described by Section
18 207.046; or

19 (6) a move from the area of the individual's employment
20 that:

21 (A) was made with the individual's spouse who is
22 a member of the armed forces of the United States; and

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

26 SECTION 3. The changes in law made by this Act apply only to
27 eligibility for unemployment compensation benefits based on an

1 unemployment compensation claim that is filed with the Texas
2 Workforce Commission on or after the effective date of this Act. A
3 claim filed before the effective date of this Act is governed by the
4 law in effect on the date the claim was filed, and the former law is
5 continued in effect for that purpose.

6 SECTION 4. To the extent of any conflict, this Act prevails
7 over another Act of the 79th Legislature, Regular Session, 2005,
8 relating to nonsubstantive additions to and corrections in enacted
9 codes.

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.