

1-1 By: Van de Putte S.B. No. 1342  
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Veteran Affairs and  
1-4 Military Installations; April 4, 2005, reported favorably by the  
1-5 following vote: Yeas 5, Nays 0; April 4, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to unemployment compensation eligibility and chargebacks  
1-9 regarding certain spouses of military personnel.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 204.022, Labor Code, as  
1-12 amended by Chapters 77, 526, and 817, Acts of the 78th Legislature,  
1-13 Regular Session, 2003, is reenacted and amended to read as follows:

1-14 (a) Benefits computed on benefit wage credits of an employee  
1-15 or former employee may not be charged to the account of an employer  
1-16 if the employee's last separation from the employer's employment  
1-17 before the employee's benefit year:

1-18 (1) was required by a federal statute;

1-19 (2) was required by a statute of this state or an  
1-20 ordinance of a municipality of this state;

1-21 (3) would have disqualified the employee under Section  
1-22 207.044, 207.045, 207.051, or 207.053 if the employment had been  
1-23 the employee's last work;

1-24 (4) imposes a disqualification under Section 207.044,  
1-25 207.045, 207.051, or 207.053;

1-26 (5) was caused by a medically verifiable illness of  
1-27 the employee or the employee's minor child;

1-28 (6) was based on a natural disaster that results in a  
1-29 disaster declaration by the president of the United States under  
1-30 the Robert T. Stafford Disaster Relief and Emergency Assistance Act  
1-31 (42 U.S.C. Section 5121 et seq.), if the employee would have been  
1-32 entitled to unemployment assistance benefits under Section 410 of  
1-33 that act (42 U.S.C. Section 5177) had the employee not received  
1-34 state unemployment compensation benefits;

1-35 (7) was caused by a natural disaster, fire, flood, or  
1-36 explosion that causes employees to be separated from one employer's  
1-37 employment;

1-38 (8) was based on a disaster that results in a disaster  
1-39 declaration by the governor under Section 418.014, Government Code;

1-40 (9) resulted from the employee's resigning from  
1-41 partial employment to accept other employment that the employee  
1-42 reasonably believed would increase the employee's weekly wage; ~~or~~

1-43 (10) ~~[(9)]~~ was caused by the employer being called to  
1-44 active military service in any branch of the United States armed  
1-45 forces on or after January 1, 2003;

1-46 (11) ~~[(9)]~~ resulted from the employee leaving the  
1-47 employee's workplace to protect the employee from family violence  
1-48 or stalking as evidenced by:

1-49 (A) an active or recently issued protective order  
1-50 documenting family violence against, or the stalking of, the  
1-51 employee or the potential for family violence against, or the  
1-52 stalking of, the employee;

1-53 (B) a police record documenting family violence  
1-54 against, or the stalking of, the employee; and

1-55 (C) a physician's statement or other medical  
1-56 documentation of family violence against the employee; or

1-57 (12) resulted from a move from the area of the  
1-58 employee's employment that:

1-59 (A) was made with the employee's spouse who is a  
1-60 member of the armed forces of the United States; and

1-61 (B) resulted from the spouse's permanent change  
1-62 of station of longer than 120 days or a tour of duty of longer than  
1-63 one year.

1-64 SECTION 2. Subsection (d), Section 207.045, Labor Code, is

2-1 amended to read as follows:

2-2 (d) Notwithstanding any other provision of this section, an  
2-3 individual who is available to work may not be disqualified for  
2-4 benefits because the individual left work because of:

2-5 (1) a medically verified illness of the individual or  
2-6 the individual's minor child;

2-7 (2) injury;

2-8 (3) disability;

2-9 (4) pregnancy; [~~or~~]

2-10 (5) an involuntary separation as described by Section  
2-11 207.046; or

2-12 (6) a move from the area of the individual's employment  
2-13 that:

2-14 (A) was made with the individual's spouse who is  
2-15 a member of the armed forces of the United States; and

2-16 (B) resulted from the spouse's permanent change  
2-17 of station of longer than 120 days or a tour of duty of longer than  
2-18 one year.

2-19 SECTION 3. The changes in law made by this Act apply only to  
2-20 eligibility for unemployment compensation benefits based on an  
2-21 unemployment compensation claim that is filed with the Texas  
2-22 Workforce Commission on or after the effective date of this Act. A  
2-23 claim filed before the effective date of this Act is governed by the  
2-24 law in effect on the date the claim was filed, and the former law is  
2-25 continued in effect for that purpose.

2-26 SECTION 4. To the extent of any conflict, this Act prevails  
2-27 over another Act of the 79th Legislature, Regular Session, 2005,  
2-28 relating to nonsubstantive additions to and corrections in enacted  
2-29 codes.

2-30 SECTION 5. This Act takes effect immediately if it receives  
2-31 a vote of two-thirds of all the members elected to each house, as  
2-32 provided by Section 39, Article III, Texas Constitution. If this  
2-33 Act does not receive the vote necessary for immediate effect, this  
2-34 Act takes effect September 1, 2005.

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