

BILL ANALYSIS

C.S.H.B. 550
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Unemployment benefits are in place to ease the burden of job loss by allotting the newly unemployed financial assistance to aid the process of seeking new employment. Maintaining an independent source of income is critical for victims of domestic violence or stalking.

C.S.H.B. 550 authorizes employees to use a protective order, a police record, or a physician's statement or other medical documentation as evidence of family violence against the employee for purposes of unemployment benefits. Under the current law, the employee must present all three forms of evidence to qualify. The bill also modifies the requirements for a physician's statement or medical documentation describing the family violence.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 550 amends the Labor Code by replacing the requirement that an employee use an active or recently issued protective order documenting family violence against, or the stalking of, the employee; a police record documenting family violence against, or the stalking of, the employee; and a physician's statement or other medical documentation of family violence against the employee with the requirement that the employee produces only one of these three forms of evidence in order to avoid disqualification for unemployment benefits. The bill also modifies the requirements for a physician's statement or medical documentation describing family violence to require the documentation to be recorded in any form or medium that identifies the employee as the patient and relates to the history, diagnosis, treatment or prognosis of the patient. The bill changes a cross reference in the Labor Code to prevent evidence regarding an employee who was the victim of family violence to be disclosed to any person without the consent of the employee. The bill makes conforming and nonsubstantive changes.

C.S.H.B. 550 provides that the changes in law made by this Act apply only to eligibility for unemployment compensation benefits based on an unemployment compensation claim that is filed with the Texas Workforce Commission on or after the effective date of this Act. The bill provides that to the extent of any conflict, this Act prevails over another Act of the 80th Legislature, Regular Session, 2007, relating to nonsubstantive additions to and corrections in enacted codes.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by modifying the requirements for a physician's statement or medical documentation describing the family violence by requiring the documentation to be recorded in any form or medium that identifies the employee as the patient and relates to the history, diagnosis, treatment or prognosis of the patient. The substitute changes a cross reference

in the Labor Code to prevent evidence regarding an employee who was the victim of family violence to be disclosed to any person without the consent of the employee.