

By: Dukes, Bohac, Miles, et al.

H.B. No. 550

Substitute the following for H.B. No. 550:

By: Elkins

C.S.H.B. No. 550

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eligibility of certain victims of family violence
3 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 39, 493, and 728, Acts of the 79th Legislature, Regular
7 Session, 2005, 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;

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

16 (11) resulted from the employee leaving the employee's
17 workplace to protect the employee from family violence or stalking
18 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; or ~~and~~

25 (C) a physician's statement or other medical
26 documentation that describes the ~~of~~ family violence against the
27 employee that:

1 (i) is recorded in any form or medium that
2 identifies the employee as the patient; and

3 (ii) relates to the history, diagnosis,
4 treatment, or prognosis of the patient; [~~or~~]

5 (12) resulted from a move from the area of the
6 employee's employment that:

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

9 (B) resulted from the spouse's permanent change
10 of station of longer than 120 days or a tour of duty of longer than
11 one year; or

12 (13) [~~(12)~~] was caused by the employee being unable to
13 perform the work as a result of a disability for which the employee
14 is receiving disability insurance benefits under 42 U.S.C. Section
15 423.

16 SECTION 2. Section 204.022(c), Labor Code, is amended to
17 read as follows:

18 (c) Except as provided by law, evidence regarding an
19 employee described by Subsection (a)(11) [~~(a)(9)~~] may not be
20 disclosed to any person without the consent of the employee.

21 SECTION 3. Section 207.046(a), Labor Code, is amended to
22 read as follows:

23 (a) An individual is not disqualified for benefits under
24 this subchapter if:

25 (1) the work-related reason for the individual's
26 separation from employment was urgent, compelling, and necessary so
27 as to make the separation involuntary; or

1 (2) the individual leaves the workplace to protect the
2 individual from family violence or stalking as evidenced by:

3 (A) an active or recently issued protective order
4 documenting family violence against, or the stalking of, the
5 employee or the potential for family violence against, or the
6 stalking of, the employee;

7 (B) a police record documenting family violence
8 against, or the stalking of, the employee; or ~~and~~

9 (C) a physician's statement or other medical
10 documentation that describes the ~~of~~ family violence against the
11 employee that:

12 (i) is recorded in any form or medium that
13 identifies the employee as the patient; and

14 (ii) relates to the history, diagnosis,
15 treatment, or prognosis of the patient.

16 SECTION 4. The changes in law made by this Act apply only to
17 eligibility for unemployment compensation benefits based on an
18 unemployment compensation claim that is filed with the Texas
19 Workforce Commission on or after the effective date of this Act. A
20 claim filed before the effective date of this Act is governed by the
21 law in effect on the date the claim was filed, and the former law is
22 continued in effect for that purpose.

23 SECTION 5. To the extent of any conflict, this Act prevails
24 over another Act of the 80th Legislature, Regular Session, 2007,
25 relating to nonsubstantive additions to and corrections in enacted
26 codes.

27 SECTION 6. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2007.