

1-1 By: Zaffirini, Shapleigh S.B. No. 142  
1-2 (In the Senate - Filed December 6, 2006; January 29, 2007,  
1-3 read first time and referred to Committee on Business and Commerce;  
1-4 April 4, 2007, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; April 4, 2007, sent to printer.)

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

1-8 relating to unemployment benefits for certain victims of family  
1-9 violence.

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 39, 493, and 728, Acts of the 79th Legislature,  
1-13 Regular Session, 2005, 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;

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

1-46 (11) resulted from the employee leaving the employee's  
1-47 workplace to protect the employee from family violence or stalking  
1-48 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; or ~~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; or

1-64 (13) ~~(12)~~ was caused by the employee being unable to

2-1 perform the work as a result of a disability for which the employee  
2-2 is receiving disability insurance benefits under 42 U.S.C. Section  
2-3 423.

2-4 SECTION 2. Subsection (a), Section 207.046, Labor Code, is  
2-5 amended to read as follows:

2-6 (a) An individual is not disqualified for benefits under  
2-7 this subchapter if:

2-8 (1) the work-related reason for the individual's  
2-9 separation from employment was urgent, compelling, and necessary so  
2-10 as to make the separation involuntary; or

2-11 (2) the individual leaves the workplace to protect the  
2-12 individual from family violence or stalking as evidenced by:

2-13 (A) an active or recently issued protective order  
2-14 documenting family violence against, or the stalking of, the  
2-15 employee or the potential for family violence against, or the  
2-16 stalking of, the employee;

2-17 (B) a police record documenting family violence  
2-18 against, or the stalking of, the employee; or ~~and~~

2-19 (C) a physician's statement or other medical  
2-20 documentation of family violence against the employee.

2-21 SECTION 3. The changes in law made by this Act apply only to  
2-22 eligibility for unemployment compensation benefits based on an  
2-23 unemployment compensation claim that is filed with the Texas  
2-24 Workforce Commission on or after the effective date of this Act. A  
2-25 claim filed before the effective date of this Act is governed by the  
2-26 law in effect on the date the claim was filed, and the former law is  
2-27 continued in effect for that purpose.

2-28 SECTION 4. To the extent of any conflict, this Act prevails  
2-29 over another Act of the 80th Legislature, Regular Session, 2007,  
2-30 relating to nonsubstantive additions to and corrections in enacted  
2-31 codes.

2-32 SECTION 5. This Act takes effect immediately if it receives  
2-33 a vote of two-thirds of all the members elected to each house, as  
2-34 provided by Section 39, Article III, Texas Constitution. If this  
2-35 Act does not receive the vote necessary for immediate effect, this  
2-36 Act takes effect September 1, 2007.

2-37 \* \* \* \* \*