

1-1 By: Jackson S.B. No. 194
1-2 (In the Senate - Filed January 10, 2007; 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 the eligibility of certain individuals with terminally
1-9 ill spouses for unemployment compensation.

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; 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; or

2-4 (14) resulted from the employee leaving the employee's
2-5 workplace to care for the employee's terminally ill spouse as
2-6 evidenced by a physician's statement or other medical
2-7 documentation, but only if no reasonable alternative care was
2-8 available.

2-9 SECTION 2. Subsection (a), Section 207.046, Labor Code, is
2-10 amended to read as follows:

2-11 (a) An individual is not disqualified for benefits under
2-12 this subchapter if:

2-13 (1) the work-related reason for the individual's
2-14 separation from employment was urgent, compelling, and necessary so
2-15 as to make the separation involuntary; ~~[or]~~

2-16 (2) the individual leaves the workplace to protect the
2-17 individual from family violence or stalking as evidenced by:

2-18 (A) an active or recently issued protective order
2-19 documenting family violence against, or the stalking of, the
2-20 employee or the potential for family violence against, or the
2-21 stalking of, the employee;

2-22 (B) a police record documenting family violence
2-23 against, or the stalking of, the employee; and

2-24 (C) a physician's statement or other medical
2-25 documentation of family violence against the employee; or

2-26 (3) the individual leaves the workplace to care for
2-27 the individual's terminally ill spouse as evidenced by a
2-28 physician's statement or other medical documentation, but only if
2-29 no reasonable, alternative care was available.

2-30 SECTION 3. The changes in law made by this Act apply only to
2-31 eligibility for unemployment compensation benefits based on an
2-32 unemployment compensation claim that is filed with the Texas
2-33 Workforce Commission on or after the effective date of this Act. A
2-34 claim filed before the effective date of this Act is governed by the
2-35 law in effect on the date the claim was filed, and the former law is
2-36 continued in effect for that purpose.

2-37 SECTION 4. To the extent of any conflict, this Act prevails
2-38 over another Act of the 80th Legislature, Regular Session, 2007,
2-39 relating to nonsubstantive additions to and corrections in enacted
2-40 codes.

2-41 SECTION 5. This Act takes effect immediately if it receives
2-42 a vote of two-thirds of all the members elected to each house, as
2-43 provided by Section 39, Article III, Texas Constitution. If this
2-44 Act does not receive the vote necessary for immediate effect, this
2-45 Act takes effect September 1, 2007.

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