

House Bill 550
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 204.022(a), Labor Code, as amended by Chapters 39, 493, and 728, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

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

- (1) was required by a federal statute;
- (2) was required by a statute of this state or an ordinance of a municipality of this state;
- (3) would have disqualified the employee under Section 207.044, 207.045, 207.051, or 207.053 if the employment had been the employee's last work;
- (4) imposes a disqualification under Section 207.044, 207.045, 207.051, or 207.053;
- (5) was caused by a medically verifiable illness of the employee or the employee's minor child;
- (6) was based on a natural disaster that results in a disaster declaration by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.), if the employee would have been entitled to unemployment assistance benefits under Section 410 of that act (42 U.S.C. Section 5177) had the employee not received state unemployment compensation benefits;
- (7) was caused by a natural disaster, fire, flood, or explosion that causes employees to be separated from one employer's employment;

SENATE VERSION

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- (3) would have disqualified the employee under Section 207.044, 207.045, 207.051, or 207.053 if the employment had been the employee's last work;
- (4) imposes a disqualification under Section 207.044, 207.045, 207.051, or 207.053;
- (5) was caused by a medically verifiable illness of the employee or the employee's minor child;
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CONFERENCE

House Bill 550
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (8) was based on a disaster that results in a disaster declaration by the governor under Section 418.014, Government Code;
- (9) resulted from the employee's resigning from partial employment to accept other employment that the employee reasonably believed would increase the employee's weekly wage;
- (10) was caused by the employer being called to active military service in any branch of the United States armed forces on or after January 1, 2003;
- (11) resulted from the employee leaving the employee's workplace to protect the employee from family violence or stalking as evidenced by:
- (A) an active or recently issued protective order documenting family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;
- (B) a police record documenting family violence against, or the stalking of, the employee; or ~~and~~
- (C) a physician's statement or other medical documentation that describes the ~~[of]~~ family violence against the employee that:
- (i) is recorded in any form or medium that identifies the employee as the patient; and
- (ii) relates to the history, diagnosis, treatment, or prognosis of the patient; [of]
- (12) resulted from a move from the area of the employee's employment that:
- (A) was made with the employee's spouse who is a member of the armed forces of the United States; and

SENATE VERSION

- (8) was based on a disaster that results in a disaster declaration by the governor under Section 418.014, Government Code;
- (9) resulted from the employee's resigning from partial employment to accept other employment that the employee reasonably believed would increase the employee's weekly wage;
- (10) was caused by the employer being called to active military service in any branch of the United States armed forces on or after January 1, 2003;
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- (A) an active or recently issued protective order documenting family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;
- (B) a police record documenting family violence against, or the stalking of, the employee; or ~~and~~
- (C) a physician's statement or other medical documentation that describes the ~~[of]~~ family violence against the employee that:
- (i) is recorded in any form or medium that identifies the employee as the patient; and
- (ii) relates to the history, diagnosis, treatment, or prognosis of the patient; [of]
- (12) resulted from a move from the area of the employee's employment that:
- (A) was made with the employee's spouse who is a member of the armed forces of the United States; and

CONFERENCE

House Bill 550
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(B) resulted from the spouse's permanent change of station of longer than 120 days or a tour of duty of longer than one year; or
(13) [(12)] was caused by the employee being unable to perform the work as a result of a disability for which the employee is receiving disability insurance benefits under 42 U.S.C. Section 423.

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

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

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

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

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

SENATE VERSION

(B) resulted from the spouse's permanent change of station of longer than 120 days or a tour of duty of longer than one year; [or]
(13) [(12)] was caused by the employee being unable to perform the work as a result of a disability for which the employee is receiving disability insurance benefits under 42 U.S.C. Section 423; or
(14) resulted from the employee leaving the employee's workplace to care for the employee's terminally ill spouse as evidenced by a physician's statement or other medical documentation, but only if no reasonable alternative care was available.

Same as House version.

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

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

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

CONFERENCE

House Bill 550
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

(C) a physician's statement or other medical documentation that describes the [øf] family violence against the employee that:

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

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

SECTION 4. 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. A claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

SENATE VERSION

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

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

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

(C) a physician's statement or other medical documentation that describes the [øf] family violence against the employee that:

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

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient; or

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

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CONFERENCE

House Bill 550
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

SECTION 5. 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.

Same as House version.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Same as House version.