

BILL ANALYSIS

C.S.H.B. 2755
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Economic & Small Business Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that currently, if a victim of sexual assault or the victim's family member is forced to relocate to protect the victim from further violence and, as a result, separates from an employer, the victim or family member may become ineligible for unemployment compensation. Current law details a number of circumstances under which individuals who separate from employment are protected from being considered ineligible to receive unemployment compensation. The law also protects employers from a chargeback due to unemployment compensation provided to any former employee that separates from employment under one of the certain circumstances. However, interested parties point out, these protections are not extended to victims of sexual assault or their families and their respective employers.

C.S.H.B. 2755 seeks to include employees who are victims of or who have immediate family members who are victims of sexual assault among the employees to whom these unemployment compensation and chargeback protections apply.

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. 2755 amends the Labor Code to prohibit benefits computed on benefit wage credits of an employee or former employee from being charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year resulted from the employee leaving the employee's workplace to protect the employee or a member of the employee's immediate family from violence related to a sexual assault, as evidenced by an active or recently issued protective order documenting sexual assault of the employee or a member of the employee's immediate family; a police record documenting the sexual assault; or a physician's statement or other medical documentation.

C.S.H.B. 2755 establishes that a physician's statement or other medical documentation that describes sexual assault or family violence against the employee must identify as the patient, in the alternative to the employee, a member of the employee's immediate family, if applicable. The bill includes written documentation from an employee of a family violence center that describes family violence against an employee or sexual assault of the employee or a member of the employee's immediate family among the means by which family violence against the individual may be evidenced, for purposes of the exemption for certain employees from chargebacks under the Texas Unemployment Compensation Act and provisions of law specifying that an individual is not disqualified for benefits under that act if the individual leaves the workplace to protect the individual from family violence or stalking.

C.S.H.B. 2755 specifies that an individual is not disqualified for benefits under the Texas Unemployment Compensation Act if the individual leaves the workplace to protect the employee

or a member of the employee's immediate family from violence related to a sexual assault, as evidenced in the manner described above.

C.S.H.B. 2755 defines "immediate family," provides for the meaning of "sexual assault" by reference to the Penal Code, and provides for the meaning of "family violence center" by reference to the Human Resources Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2755 differs from the original by including written documentation from an employee of a family violence center that describes the sexual assault of a person or a member of the person's immediate family or family violence against the person among the means by which a person can provide evidence of the sexual assault or family violence for purposes relating to unemployment compensation eligibility and chargebacks, whereas the original includes written documentation from a social worker, an employee of a shelter center, or a member of the clergy among the means by which a person can provide evidence of sexual assault or family violence for those purposes.

C.S.H.B. 2755 contains provisions not included in the original providing for the meaning of "family violence center" by reference to the Human Resources Code.