

1-1 By: Van de Putte S.B. No. 439  
1-2 (In the Senate - Filed January 28, 2011; February 2, 2011,  
1-3 read first time and referred to Committee on Economic Development;  
1-4 March 14, 2011, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 14, 2011, sent to printer.)

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

1-8 relating to an exclusion from unemployment compensation  
1-9 chargebacks for certain employers of uniformed service members.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 204.022, Labor Code, is  
1-12 amended to read as follows:

1-13 (a) Benefits computed on benefit wage credits of an employee  
1-14 or former employee may not be charged to the account of an employer  
1-15 if the employee's last separation from the employer's employment  
1-16 before the employee's benefit year:

1-17 (1) was required by a federal statute;

1-18 (2) was required by a statute of this state or an  
1-19 ordinance of a municipality of this state;

1-20 (3) would have disqualified the employee under Section  
1-21 207.044, 207.045, 207.051, or 207.053 if the employment had been  
1-22 the employee's last work;

1-23 (4) imposes a disqualification under Section 207.044,  
1-24 207.045, 207.051, or 207.053;

1-25 (5) was caused by a medically verifiable illness of  
1-26 the employee or the employee's minor child;

1-27 (6) was based on a natural disaster that results in a  
1-28 disaster declaration by the president of the United States under  
1-29 the Robert T. Stafford Disaster Relief and Emergency Assistance Act  
1-30 (42 U.S.C. Section 5121 et seq.), if the employee would have been  
1-31 entitled to unemployment assistance benefits under Section 410 of  
1-32 that act (42 U.S.C. Section 5177) had the employee not received  
1-33 state unemployment compensation benefits;

1-34 (7) was caused by a natural disaster, fire, flood, or  
1-35 explosion that causes employees to be separated from one employer's  
1-36 employment;

1-37 (8) was based on a disaster that results in a disaster  
1-38 declaration by the governor under Section 418.014, Government Code;

1-39 (9) resulted from the employee's resigning from  
1-40 partial employment to accept other employment that the employee  
1-41 reasonably believed would increase the employee's weekly wage;

1-42 (10) was caused by the employer being called to active  
1-43 military service in any branch of the United States armed forces on  
1-44 or after January 1, 2003;

1-45 (11) resulted from the employee leaving the employee's  
1-46 workplace to protect the employee from family violence or stalking  
1-47 as evidenced by:

1-48 (A) an active or recently issued protective order  
1-49 documenting family violence against, or the stalking of, the  
1-50 employee or the potential for family violence against, or the  
1-51 stalking of, the employee;

1-52 (B) a police record documenting family violence  
1-53 against, or the stalking of, the employee; or

1-54 (C) a physician's statement or other medical  
1-55 documentation that describes the family violence against the  
1-56 employee that:

1-57 (i) is recorded in any form or medium that  
1-58 identifies the employee as the patient; and

1-59 (ii) relates to the history, diagnosis,  
1-60 treatment, or prognosis of the patient;

1-61 (12) resulted from a move from the area of the  
1-62 employee's employment that:

1-63 (A) was made with the employee's spouse who is a  
1-64 member of the armed forces of the United States; and

2-1 (B) resulted from the spouse's permanent change  
2-2 of station of longer than 120 days or a tour of duty of longer than  
2-3 one year;

2-4 (13) was caused by the employee being unable to  
2-5 perform the work as a result of a disability for which the employee  
2-6 is receiving disability insurance benefits under 42 U.S.C. Section  
2-7 423; ~~[or]~~

2-8 (14) resulted from the employee leaving the employee's  
2-9 workplace to care for the employee's terminally ill spouse as  
2-10 evidenced by a physician's statement or other medical  
2-11 documentation, but only if no reasonable, alternative care was  
2-12 available; or

2-13 (15) was caused by the employer's reinstatement of a  
2-14 qualified uniformed service member with reemployment rights and  
2-15 benefits and other employment benefits in accordance with the  
2-16 Uniformed Services Employment and Reemployment Rights Act of 1994  
2-17 (38 U.S.C. Section 4301 et seq.).

2-18 SECTION 2. Subsection (a), Section 204.022, Labor Code, as  
2-19 amended by this Act, applies only to a claim for unemployment  
2-20 compensation benefits filed with the Texas Workforce Commission on  
2-21 or after the effective date of this Act. A claim filed before that  
2-22 date is governed by the law in effect on the date the claim was  
2-23 filed, and the former law is continued in effect for that purpose.

2-24 SECTION 3. This Act takes effect September 1, 2011.

2-25 \* \* \* \* \*