

1-1 By: Martinez Fischer (Senate Sponsor - Zaffirini) H.B. No. 26
 1-2 (In the Senate - Received from the House May 8, 2013;
 1-3 May 9, 2013, read first time and referred to Committee on Economic
 1-4 Development; May 16, 2013, reported favorably by the following
 1-5 vote: Yeas 4, Nays 0; May 16, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Deuell	X			
1-8 Hancock			X	
1-9 Birdwell			X	
1-10 Davis	X			
1-11 Eltife	X			
1-12 Fraser			X	
1-13 Watson	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to unemployment compensation eligibility and chargebacks
 1-18 regarding certain persons who are victims or whose immediate family
 1-19 members are victims of sexual assault.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 204.022(a), Labor Code, is amended to
 1-22 read as follows:

1-23 (a) Benefits computed on benefit wage credits of an employee
 1-24 or former employee may not be charged to the account of an employer
 1-25 if the employee's last separation from the employer's employment
 1-26 before the employee's benefit year:

1-27 (1) was required by a federal statute;

1-28 (2) was required by a statute of this state or an
 1-29 ordinance of a municipality of this state;

1-30 (3) would have disqualified the employee under Section
 1-31 207.044, 207.045, 207.051, or 207.053 if the employment had been
 1-32 the employee's last work;

1-33 (4) imposes a disqualification under Section 207.044,
 1-34 207.045, 207.051, or 207.053;

1-35 (5) was caused by a medically verifiable illness of
 1-36 the employee or the employee's minor child;

1-37 (6) was based on a natural disaster that results in a
 1-38 disaster declaration by the president of the United States under
 1-39 the Robert T. Stafford Disaster Relief and Emergency Assistance Act
 1-40 (42 U.S.C. Section 5121 et seq.), if the employee would have been
 1-41 entitled to unemployment assistance benefits under Section 410 of
 1-42 that act (42 U.S.C. Section 5177) had the employee not received
 1-43 state unemployment compensation benefits;

1-44 (7) was caused by a natural disaster, fire, flood, or
 1-45 explosion that causes employees to be separated from one employer's
 1-46 employment;

1-47 (8) was based on a disaster that results in a disaster
 1-48 declaration by the governor under Section 418.014, Government Code;

1-49 (9) resulted from the employee's resigning from
 1-50 partial employment to accept other employment that the employee
 1-51 reasonably believed would increase the employee's weekly wage;

1-52 (10) was caused by the employer being called to active
 1-53 military service in any branch of the United States armed forces on
 1-54 or after January 1, 2003;

1-55 (11) resulted from the employee leaving the employee's
 1-56 workplace to protect the employee from family violence or stalking
 1-57 or the employee or a member of the employee's immediate family from
 1-58 violence related to a sexual assault as evidenced by:

1-59 (A) an active or recently issued protective order
 1-60 documenting sexual assault of the employee or a member of the
 1-61 employee's immediate family or family violence against, or the

2-1 stalking of, the employee or the potential for family violence
 2-2 against, or the stalking of, the employee;

2-3 (B) a police record documenting sexual assault of
 2-4 the employee or a member of the employee's immediate family or
 2-5 family violence against, or the stalking of, the employee; [~~or~~]

2-6 (C) a physician's statement or other medical
 2-7 documentation that describes the sexual assault of the employee or
 2-8 a member of the employee's immediate family or family violence
 2-9 against the employee that:

2-10 (i) is recorded in any form or medium that
 2-11 identifies the employee or member of the employee's immediate
 2-12 family, as applicable, as the patient; and

2-13 (ii) relates to the history, diagnosis,
 2-14 treatment, or prognosis of the patient; or

2-15 (D) written documentation from a family violence
 2-16 center or rape crisis center that describes the sexual assault of
 2-17 the employee or a member of the employee's immediate family or
 2-18 family violence against the employee;

2-19 (12) resulted from a move from the area of the
 2-20 employee's employment that:

2-21 (A) was made with the employee's spouse who is a
 2-22 member of the armed forces of the United States; and

2-23 (B) resulted from the spouse's permanent change
 2-24 of station of longer than 120 days or a tour of duty of longer than
 2-25 one year;

2-26 (13) was caused by the employee being unable to
 2-27 perform the work as a result of a disability for which the employee
 2-28 is receiving disability insurance benefits under 42 U.S.C. Section
 2-29 423;

2-30 (14) resulted from the employee leaving the employee's
 2-31 workplace to care for the employee's terminally ill spouse as
 2-32 evidenced by a physician's statement or other medical
 2-33 documentation, but only if no reasonable, alternative care was
 2-34 available; or

2-35 (15) was caused by the employer's reinstatement of a
 2-36 qualified uniformed service member with reemployment rights and
 2-37 benefits and other employment benefits in accordance with the
 2-38 Uniformed Services Employment and Reemployment Rights Act of 1994
 2-39 (38 U.S.C. Section 4301 et seq.).

2-40 SECTION 2. Section 204.022(d), Labor Code, is amended by
 2-41 adding Subdivisions (3), (4), and (5) to read as follows:

2-42 (3) "Immediate family" means an individual's parent,
 2-43 spouse, or child under the age of 18.

2-44 (4) "Sexual assault" means conduct described by
 2-45 Section 22.011 or 22.021, Penal Code.

2-46 (5) "Family violence center" has the meaning assigned
 2-47 by Section 51.002, Human Resources Code.

2-48 SECTION 3. Section 207.046(a), Labor Code, is amended to
 2-49 read as follows:

2-50 (a) An individual is not disqualified for benefits under
 2-51 this subchapter if:

2-52 (1) the work-related reason for the individual's
 2-53 separation from employment was urgent, compelling, and necessary so
 2-54 as to make the separation involuntary;

2-55 (2) the individual leaves the workplace to protect the
 2-56 individual from family violence or stalking or the individual or a
 2-57 member of the individual's immediate family from violence related
 2-58 to a sexual assault as evidenced by:

2-59 (A) an active or recently issued protective order
 2-60 documenting sexual assault of the individual or a member of the
 2-61 individual's immediate family or family violence against, or the
 2-62 stalking of, the individual [~~employee~~] or the potential for family
 2-63 violence against, or the stalking of, the individual [~~employee~~];

2-64 (B) a police record documenting sexual assault of
 2-65 the individual or a member of the individual's immediate family or
 2-66 family violence against, or the stalking of, the individual
 2-67 [~~employee~~]; [~~or~~]

2-68 (C) a physician's statement or other medical
 2-69 documentation that describes the sexual assault of the individual

3-1 or a member of the individual's immediate family or family violence
3-2 against the individual [employee] that:

3-3 (i) is recorded in any form or medium that
3-4 identifies the individual or member of the individual's immediate
3-5 family, as applicable, [employee] as the patient; and

3-6 (ii) relates to the history, diagnosis,
3-7 treatment, or prognosis of the patient; or

3-8 (D) written documentation from a family violence
3-9 center or rape crisis center that describes the sexual assault of
3-10 the individual or a member of the individual's immediate family or
3-11 family violence against the individual; or

3-12 (3) the individual leaves the workplace to care for
3-13 the individual's terminally ill spouse as evidenced by a
3-14 physician's statement or other medical documentation, but only if
3-15 no reasonable, alternative care was available.

3-16 SECTION 4. Section 207.046(c), Labor Code, is amended by
3-17 adding Subdivisions (3), (4), and (5) to read as follows:

3-18 (3) "Immediate family" means an individual's parent,
3-19 spouse, or child under the age of 18.

3-20 (4) "Sexual assault" means conduct described by
3-21 Section 22.011 or 22.021, Penal Code.

3-22 (5) "Family violence center" has the meaning assigned
3-23 by Section 51.002, Human Resources Code.

3-24 SECTION 5. The changes in law made by this Act apply only to
3-25 eligibility for unemployment compensation benefits based on an
3-26 unemployment compensation claim that is filed with the Texas
3-27 Workforce Commission on or after the effective date of this Act. A
3-28 claim filed before the effective date of this Act is governed by the
3-29 law in effect on the date the claim was filed, and the former law is
3-30 continued in effect for that purpose.

3-31 SECTION 6. This Act takes effect immediately if it receives
3-32 a vote of two-thirds of all the members elected to each house, as
3-33 provided by Section 39, Article III, Texas Constitution. If this
3-34 Act does not receive the vote necessary for immediate effect, this
3-35 Act takes effect September 1, 2013.

3-36 * * * * *