

By: Zaffirini

S.B. No. 51

A BILL TO BE ENTITLED

AN ACT

relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims of sexual assault.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 204.022(a), Labor Code, is 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;

(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 or from violence related to a sexual assault as evidenced by:

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

(C) a physician's statement or other medical documentation that describes the sexual assault of the employee or 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;

(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

(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;

(13) 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;

(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; or

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

SECTION 2. Section 204.022(d), Labor Code, is amended by adding Subdivision (3) to read as follows:

1           (3) "Sexual assault" means conduct described by  
2 Section 22.011 or 22.021, Penal Code.

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

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

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

10                (2) the individual leaves the workplace to protect the  
11 individual from family violence or stalking or from violence  
12 related to a sexual assault as evidenced by:

13                         (A) an active or recently issued protective order  
14 documenting sexual assault of the employee or family violence  
15 against, or the stalking of, the employee or the potential for  
16 family violence against, or the stalking of, the employee;

17                         (B) a police record documenting sexual assault of  
18 the employee or family violence against, or the stalking of, the  
19 employee; or

20                         (C) a physician's statement or other medical  
21 documentation that describes the sexual assault of the employee or  
22 family violence against the employee that:

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

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

27           (3) the individual leaves the workplace to care for

1 the individual's terminally ill spouse as evidenced by a  
2 physician's statement or other medical documentation, but only if  
3 no reasonable, alternative care was available.

4 SECTION 4. Section 207.046(c), Labor Code, is amended by  
5 adding Subdivision (3) to read as follows:

6 (3) "Sexual assault" means conduct described by  
7 Section 22.011 or 22.021, Penal Code.

8 SECTION 5. The changes in law made by this Act apply only to  
9 eligibility for unemployment compensation benefits based on an  
10 unemployment compensation claim that is filed with the Texas  
11 Workforce Commission on or after the effective date of this Act. A  
12 claim filed before the effective date of this Act is governed by the  
13 law in effect on the date the claim was filed, and the former law is  
14 continued in effect for that purpose.

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