

CHAPTER 841

H.B. No. 26

1 AN ACT

2 relating to unemployment compensation eligibility and chargebacks
3 regarding certain persons who are victims or whose immediate family
4 members are victims of sexual assault.

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

6 SECTION 1. Section 204.022(a), Labor Code, is amended to
7 read as follows:

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

12 (1) was required by a federal statute;

13 (2) was required by a statute of this state or an
14 ordinance of a municipality of this state;

15 (3) would have disqualified the employee under Section
16 207.044, 207.045, 207.051, or 207.053 if the employment had been
17 the employee's last work;

18 (4) imposes a disqualification under Section 207.044,
19 207.045, 207.051, or 207.053;

20 (5) was caused by a medically verifiable illness of
21 the employee or the employee's minor child;

22 (6) was based on a natural disaster that results in a
23 disaster declaration by the president of the United States under
24 the Robert T. Stafford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. Section 5121 et seq.), if the employee would have been
2 entitled to unemployment assistance benefits under Section 410 of
3 that act (42 U.S.C. Section 5177) had the employee not received
4 state unemployment compensation benefits;

5 (7) was caused by a natural disaster, fire, flood, or
6 explosion that causes employees to be separated from one employer's
7 employment;

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

10 (9) resulted from the employee's resigning from
11 partial employment to accept other employment that the employee
12 reasonably believed would increase the employee's weekly wage;

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

16 (11) resulted from the employee leaving the employee's
17 workplace to protect the employee from family violence or stalking
18 or the employee or a member of the employee's immediate family from
19 violence related to a sexual assault as evidenced by:

20 (A) an active or recently issued protective order
21 documenting sexual assault of the employee or a member of the
22 employee's immediate family or family violence against, or the
23 stalking of, the employee or the potential for family violence
24 against, or the stalking of, the employee;

25 (B) a police record documenting sexual assault of
26 the employee or a member of the employee's immediate family or
27 family violence against, or the stalking of, the employee; [~~or~~]

1 (C) a physician's statement or other medical
2 documentation that describes the sexual assault of the employee or
3 a member of the employee's immediate family or family violence
4 against the employee that:

5 (i) is recorded in any form or medium that
6 identifies the employee or member of the employee's immediate
7 family, as applicable, as the patient; and

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

10 (D) written documentation from a family violence
11 center or rape crisis center that describes the sexual assault of
12 the employee or a member of the employee's immediate family or
13 family violence against the employee;

14 (12) resulted from a move from the area of the
15 employee's employment that:

16 (A) was made with the employee's spouse who is a
17 member of the armed forces of the United States; and

18 (B) resulted from the spouse's permanent change
19 of station of longer than 120 days or a tour of duty of longer than
20 one year;

21 (13) was caused by the employee being unable to
22 perform the work as a result of a disability for which the employee
23 is receiving disability insurance benefits under 42 U.S.C. Section
24 423;

25 (14) resulted from the employee leaving the employee's
26 workplace to care for the employee's terminally ill spouse as
27 evidenced by a physician's statement or other medical

1 documentation, but only if no reasonable, alternative care was
2 available; or

3 (15) was caused by the employer's reinstatement of a
4 qualified uniformed service member with reemployment rights and
5 benefits and other employment benefits in accordance with the
6 Uniformed Services Employment and Reemployment Rights Act of 1994
7 (38 U.S.C. Section 4301 et seq.).

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

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

12 (4) "Sexual assault" means conduct described by
13 Section 22.011 or 22.021, Penal Code.

14 (5) "Family violence center" has the meaning assigned
15 by Section 51.002, Human Resources Code.

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

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

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

23 (2) the individual leaves the workplace to protect the
24 individual from family violence or stalking or the individual or a
25 member of the individual's immediate family from violence related
26 to a sexual assault as evidenced by:

27 (A) an active or recently issued protective order

1 documenting sexual assault of the individual or a member of the
2 individual's immediate family or family violence against, or the
3 stalking of, the individual [~~employee~~] or the potential for family
4 violence against, or the stalking of, the individual [~~employee~~];

5 (B) a police record documenting sexual assault of
6 the individual or a member of the individual's immediate family or
7 family violence against, or the stalking of, the individual
8 [~~employee~~]; [~~or~~]

9 (C) a physician's statement or other medical
10 documentation that describes the sexual assault of the individual
11 or a member of the individual's immediate family or family violence
12 against the individual [~~employee~~] that:

13 (i) is recorded in any form or medium that
14 identifies the individual or member of the individual's immediate
15 family, as applicable, [~~employee~~] as the patient; and

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

18 (D) written documentation from a family violence
19 center or rape crisis center that describes the sexual assault of
20 the individual or a member of the individual's immediate family or
21 family violence against the individual; or

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

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

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

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

5 (5) "Family violence center" has the meaning assigned
6 by Section 51.002, Human Resources Code.

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

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

David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 26 was passed by the House on May 7, 2013, by the following vote: Yeas 121, Nays 12, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 26 was passed by the Senate on May 22, 2013, by the following vote: Yeas 26, Nays 5.

Aatsy Jew

Secretary of the Senate

APPROVED: 14 JUNE '13

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10PM O'CLOCK

JUN 14 2013

[Signature]
Secretary of State