

BILL ANALYSIS

Senate Research Center

C.S.S.B. 499
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Human Services
3/10/1999
Committee Report (Substituted)

DIGEST

Currently, Texas unemployment law does not specifically make victims of family violence eligible for unemployment compensation benefits. Texas is one of 31 states that do not allow individuals who leave their jobs for safety reasons, such as a stalking former spouse or boyfriend, to qualify for unemployment benefits. A survey conducted by Victims Services in New York City indicated that 74 percent of abused women are harassed at work by their abusers and that one in four battered women had lost their job due to the effects of domestic violence. C.S.S.B. 499 will provide an individual who leaves a workplace because the individual reasonably believes it is necessary to leave because of family violence or stalking to be eligible to receive unemployment benefits.

PURPOSE

As proposed, C.S.S.B. 499 sets forth the eligibility of certain victims of family violence or stalking for unemployment compensation.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Workforce Commission in SECTION 4 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 204.022, Labor Code, by amending Subsection (a) and adding Subsection (c), to prohibit benefits computed on an employee's or former employee's benefit wage credits from being charged to an employer's account if the employee's last separation from the employer's employment before the employee's benefit year resulted from the employee's reasonable belief that the employee was required to leave the employee's workplace to protect the employee from family violence or stalking. Defines "family violence" and "stalking."

SECTION 2. Amends Section 207.045(d), Labor Code, to prohibit a person who is available to work from being disqualified for benefits because the individual left work because of an involuntary separation as described by Section 207.046. Makes a conforming change.

SECTION 3. Amends Section 207.046, Labor Code, to provide that an individual is not disqualified for benefits under this subchapter if the individual leaves the workplace because the individual reasonably believes that the individual must leave the workplace to protect the individual from family violence or stalking. Defines "family violence" and "stalking." Makes conforming changes.

SECTION 4. Requires the Texas Workforce Commission to adopt rules not later than January 1, 2000, related to an individual's eligibility for unemployment compensation benefits, and sets forth the requirements for the rules.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 204.022, Labor Code, by amending Subsection (a) and adding Subsection (c), to prohibit benefits computed on an employee's or former employee's benefit wage credits from being charged to an employer's account if the employee's last separation from the employer's employment before the employee's benefit year resulted from the employee's reasonable belief that the employee was required, rather than the employee having been advised by a law enforcement officer, a licensed medical practitioner, or a licensed counselor, to leave the employee's workplace to protect the employee from family violence or stalking. Adds a definition for "stalking."

SECTION 2.

Amends Section 207.045(d), Labor Code, to prohibit a person who is available to work from being disqualified for benefits because the individual left work because of an involuntary separation as described by Section 207.046. Makes a nonsubstantive change.

SECTION 3.

Amends Section 207.046, Labor Code, to provide that an individual is not disqualified for benefits under this subchapter if the individual leaves the workplace because the individual reasonably believes that the individual must, rather than has been advised by a law enforcement officer, a licensed medical practitioner, or a licensed counselor to, leave the workplace to protect the individual from family violence or stalking. Adds a definition for "stalking."

SECTION 4.

Requires the Texas Workforce Commission to adopt rules not later than January 1, 2000, related to an individual's eligibility for unemployment compensation benefits and sets forth the requirements for the rules.

SECTIONS 5-6.

Redesignated from SECTIONS 4-5.