

BILL ANALYSIS

Senate Research Center
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S.B. 51
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Economic Development
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, any person who is forced to leave his or her job due to family violence or stalking is eligible to receive unemployment insurance benefits if he or she can produce an active or recently issued protective order, police record, or physician's statement documenting family violence against or the stalking of the employee. Victims of sexual assault are eligible for these benefits if the assault is a result of family violence. However, victims of sexual assault that is not family violence-related do not qualify for unemployment insurance. This inconsistency results in inequitable support for victims of similar crimes.

This bill allows employees who are forced to leave work due to sexual assault to collect unemployment insurance benefits regardless of whether the act is related to family violence. The bill exempts employers from chargebacks in these circumstances, protecting employers from possible penalties associated with former employees who collect unemployment after leaving the workplace.

As proposed, S.B. 51 amends current law relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims of sexual assault.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 204.022(a), Labor Code, as follows:

(a) Prohibits benefits computed on benefit wage credits of an employee or former employee from being charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year, among other causes or bases, resulted from the employee leaving the employee's workplace to protect the employee from violence related to sexual assault as well as family violence or stalking as evidenced by: 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; a police record documenting sexual assault of the employee or family violence against, or the stalking of, the employee; or a physician's statement or other medical documentation that describes the sexual assault of the employee or family violence against the employee that is recorded in any form or medium that identifies the employee as the patient and relates to the history, diagnosis, treatment, or prognosis of the patient.

SECTION 2. Amends Section 204.022(d), Labor Code, by adding Subdivision (3), to define "sexual assault."

SECTION 3. Amends Section 207.046(a), Labor Code, to prohibit an individual from being disqualified for benefits under this subchapter under certain circumstances, including if the individual left their workplace to protect the individual from violence related to sexual assault as evidenced by 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; a police record documenting the sexual assault of the employee or family violence against, or the stalking of, the employee; or a physician's statement or other medical documentation that describes the sexual assault of the employee or the family violence against the employee that is recorded in any form or medium that identifies the employee as the patient and relates to the history, diagnosis, treatment, or prognosis of the patient.

SECTION 4. Amends Section 207.046(c), Labor Code, by adding Subdivision (3), to define "sexual assault."

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2013.