

BILL ANALYSIS

Senate Research Center
82R2083 KCR-F

S.B. 314
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Economic Development
2/11/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, a person who is forced to leave a job due to family violence or stalking is eligible for unemployment benefits. While current law does cover sexual assault under the definition of family violence, it also specifies that there must be a familial relation between the victim and the attacker. Persons attacked by someone other than a family member are not covered under the current provisions and therefore are not eligible for assistance if forced to leave their jobs.

Under current law, only employees who leave the workplace to avoid family violence or stalking are exempt from tax "chargebacks" to the employer. Also under current law, an individual is not disqualified from state unemployment insurance (SUI) benefits if the employee left a job under three circumstances: (1) due to an "urgent, compelling, and necessary" reason so as to make separation involuntary; (2) to protect herself or himself from family violence or stalking; and (3) to care for a terminally ill spouse.

This bill will protect an employer from being charged a higher tax rate for employees who had to leave the workplace due to violence related to sexual assault. As written, this bill places victims of sexual assault in the same class of employees as victims of family violence or stalking. This bill will add "immediate family" and "sexual assault" definitions to the Labor Code. "Immediate family" will mean an individual's parent, spouse, or minor child. "Sexual assault" will mean the same conduct in Sections 22.011-22.021 of the Penal Code. This bill will add to the list of individuals "not disqualified for benefits under the Labor Code" by including employees who leave to "protect the employee or a member of the employee's immediate family from violence related to a sexual assault."

As proposed, S.B. 314 amends current law relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members 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, among other specified reasons, the employee's last separation from the employer's employment before the employee's benefit year resulted from the employee leaving the employee's workplace to protect the employee from family violence or stalking or the employee or a member of the employee's immediate family from violence related to a sexual assault as evidenced by an active or recently issued protective order documenting sexual assault of the employee or a member of the employee's immediate family 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 a member of the employee's immediate family 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 a member of the employee's immediate family or family violence against the employee that is recorded in any form or medium that identifies the employee or member of the employee's immediate family, as applicable, 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 Subdivisions (3) and (4), to define "immediate family" and "sexual assault."

SECTION 3. Amends Section 207.046(a), Labor Code, as follows:

(a) Provides that an individual is not disqualified for benefits under this subchapter if:

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

(2) the individual leaves the workplace to protect the individual from family violence or stalking or the employee or a member of the employee's immediate family 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 a member of the employee's immediate family 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 a member of the employee's immediate family 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 a member of the employee's immediate family or family violence against the employee that is recorded in any form or medium that identifies the employee or member of the employee's immediate family, as applicable, as the patient; and relates to the history, diagnosis, treatment, or prognosis of the patient; or

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

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

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2011.