

AN ACT

relating to paid leave by certain state employees for the birth or adoption of a child.

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

SECTION 1. Section 661.912, Government Code, is amended to read as follows:

Sec. 661.912. FAMILY AND MEDICAL LEAVE ACT. (a) Except as provided by Section 661.9125, to [To] the extent required by federal law, a state employee who has a total of at least 12 months of state service and who has worked at least 1,250 hours during the 12-month period preceding the beginning of leave under this section is entitled to leave under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.).

(b) The employee must first use all available and applicable paid vacation and sick leave while taking leave under this section, except that an employee who is receiving temporary disability benefits or workers' compensation benefits or is taking paid leave under Section 661.9125 is not required to first use applicable paid vacation or sick leave while receiving those benefits or taking paid leave under Section 661.9125.

SECTION 2. Subchapter Z, Chapter 661, Government Code, is amended by adding Section 661.9125 to read as follows:

Sec. 661.9125. PAID PARENTAL LEAVE FOR CERTAIN EMPLOYEES.

(a) This section applies only to a state employee who:

1 (1) is a member of the Employees Retirement System of
2 Texas or is employed by a board, commission, department, or other
3 agency in the executive branch of state government created by the
4 constitution or a statute of this state, except for an institution
5 of higher education as defined by Section 61.003, Education Code;
6 and

7 (2) takes leave under Section 661.912 for the:

8 (A) birth of a child;

9 (B) birth of a child by the employee's spouse;

10 (C) birth of a child by a gestational surrogate;

11 or

12 (D) adoption of a child.

13 (b) Except as provided by Subsection (c), a state employee
14 who takes leave under Section 661.912 for the purpose of Subsection
15 (a)(2)(A) is entitled to 40 days of paid leave during leave taken
16 under that section.

17 (c) A state employee who takes leave under Section 661.912
18 for the purpose of Subsection (a)(2)(B), (C), or (D) is entitled to
19 20 days of paid leave during leave taken under Section 661.912.

20 (d) This section does not entitle an employee to any leave
21 in addition to leave taken under Section 661.912.

22 (e) A state employee is not required to use all available
23 paid vacation and sick leave before the employee is entitled to take
24 paid leave under this section.

25 (f) This section may not be construed to:

26 (1) create an employment right;

27 (2) confer a protected status; or

1 (3) create a cause of action against this state.

2 SECTION 3. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 222 passed the Senate on March 22, 2023, by the following vote: Yeas 31, Nays 0; May 1, 2023, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 5, 2023, House granted request of the Senate; May 26, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 222 passed the House, with amendments, on April 25, 2023, by the following vote: Yeas 139, Nays 9, one present not voting; May 5, 2023, House granted request of the Senate for appointment of Conference Committee; May 25, 2023, House adopted Conference Committee Report by the following vote: Yeas 136, Nays 3, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor