

By: Dutton

H.B. No. 355

A BILL TO BE ENTITLED

AN ACT

relating to the right of an employee to time off from work to meet with certain persons affecting the education of the employee's child.

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

SECTION 1. Subtitle D, Title 2, Labor Code, is amended by adding Chapter 83 to read as follows:

CHAPTER 83. EMPLOYEE RIGHT TO MEET WITH CERTAIN PERSONS

AFFECTING THE EDUCATION OF THE EMPLOYEE'S CHILD

Sec. 83.001. DEFINITIONS. In this chapter:

(1) "Employee" means a person other than an independent contractor who, for compensation, performs services for an employer under a written or oral contract of hire, whether express or implied.

(2) "Employee's child" means a child who is in kindergarten through grade 12 and is in the custody of an employee.

Sec. 83.002. RIGHT TO MEET WITH SCHOOL PERSONNEL. (a) An employee who has been employed by the same employer for at least six consecutive months is entitled to leave as provided by this section to meet, at the request of the teacher, counselor, or principal, with:

(1) a teacher of the employee's child;

(2) the school counselor of the employee's child; or

(3) the principal of the school the employee's child is

1 attending.

2 (b) An employee is entitled under this section to up to 10  
3 hours of leave in each 12-month period.

4 (c) Before taking leave under this section, an employee must  
5 provide the employer with written notice at least 24 hours before  
6 the time the planned absence of the employee is to begin.

7 (d) The notice requirement under Subsection (c) does not  
8 apply to an employee who requires an immediate unplanned leave in an  
9 emergency situation involving the employee's child.

10 Sec. 83.003. UNPAID LEAVE; USE OF LEAVE TIME. (a) Except  
11 as provided by Subsection (b), leave taken under this chapter may be  
12 unpaid leave.

13 (b) An employee entitled to leave under this chapter may  
14 use, but is not required to use, existing vacation leave time,  
15 personal leave time, compensatory leave time, or other appropriate  
16 paid leave time for a planned absence authorized by this chapter.

17 Sec. 83.004. EMPLOYER RETALIATION PROHIBITED. (a) An  
18 employer may not suspend or terminate the employment of, or  
19 otherwise discriminate against, an employee who takes leave under  
20 this chapter if the employee has:

21 (1) given written notice as required under Section  
22 83.002(c); or

23 (2) taken emergency leave as described by Section  
24 83.002(d).

25 (b) An employee whose employment is suspended or terminated  
26 in violation of this section is entitled to:

27 (1) reinstatement to the employee's former position or

1 a position that is comparable in terms of compensation, benefits,  
2 and other conditions of employment;

3 (2) compensation for wages lost during the period of  
4 suspension or termination;

5 (3) reinstatement of any fringe benefits and seniority  
6 rights lost because of the suspension or termination; and

7 (4) if the employee brings an action to enforce this  
8 subsection and is the prevailing party, payment by the employer of  
9 court costs and reasonable attorney's fees.

10 Sec. 83.005. NOTICE TO EMPLOYEES. (a) Each employer shall  
11 inform its employees of their rights under this chapter by posting a  
12 conspicuous sign in a prominent location in the employer's  
13 workplace.

14 (b) The Texas Workforce Commission by rule shall prescribe  
15 the design and content of the sign required by this section.

16 SECTION 2. This Act takes effect September 1, 2003, and  
17 applies only to a suspension, termination, or other adverse  
18 employment action that is taken by an employer against an employee  
19 because of an employee absence authorized under Chapter 83, Labor  
20 Code, as added by this Act, that occurs on or after that date.  
21 Action taken by an employer against an employee for an employee  
22 absence occurring before that date is governed by the law in effect  
23 on the date the absence occurred, and the former law is continued in  
24 effect for that purpose.