

By: Dutton

H.B. No. 430

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

25 SECTION 3. This Act takes effect September 1, 2005.