

Amend **HB 550** (Senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION ____ . Subtitle D, Title 2, Labor Code, is amended by adding Chapter 84 to read as follows:

CHAPTER 84. EMPLOYEE RIGHT TO TIME OFF FOLLOWING VIOLENCE AGAINST
EMPLOYEE OR CERTAIN FAMILY OR HOUSEHOLD MEMBERS

Sec. 84.001. DEFINITION. In this chapter, "family violence" has the meaning assigned by Section 71.004, Family Code.

Sec. 84.002. APPLICATION. This chapter applies only to an employee:

(1) employed by an employer who employs at least 50 employees;

(2) who has been employed by the employer from whom the employee seeks leave under this chapter for at least three months; and

(3) who is a victim of family violence or whose spouse, child, parent, or household member is a victim of family violence.

Sec. 84.003. RIGHT TO TIME OFF; LIMITATIONS. (a) Except as provided by Subsections (b) and (c), an employee to whom this chapter applies is entitled to time off as provided by this section to:

(1) seek an injunction, protective order, or other order against the perpetrator of family violence against the employee or the employee's family or household member;

(2) obtain medical care or mental health counseling, or both, for physical or psychological injuries suffered by the employee or the employee's family or household member as a result of family violence;

(3) obtain services from a victim services organization, including a family violence center or program or a rape crisis center, for the employee or the employee's family or household member in relation to the occurrence of family violence;

(4) participate in safety planning or temporary or permanent relocation or take any other action necessary to increase the safety of the employee or the employee's family or household member following the occurrence of family violence; or

(5) seek legal assistance to address issues arising from the occurrence of family violence.

(b) Before taking time off under this section, an employee must provide the employer with reasonable advance notice of the planned absence of the employee, unless the employee determines that providing notice is impracticable under the circumstances.

(c) An employee is entitled under this section to not more than five days of leave, excluding weekend days and legal holidays, in any 12-month period.

Sec. 84.004. USE OF LEAVE TIME; EFFECT ON EMPLOYEE PAY. (a) An employee who has existing vacation leave time, personal leave time, sick leave time, or compensatory leave time must use that leave time for a planned absence authorized by this chapter. An employer may waive the requirements of this subsection.

(b) An employer is not required to compensate an employee during a planned absence authorized by this chapter unless the employee is using leave time under Subsection (a).

Sec. 84.005. CONFIDENTIALITY. An employer shall maintain the confidentiality of the fact that an employee has requested or obtained time off under this chapter and any written document or record submitted to the employer by the employee relating to a request for time off under this chapter, except to the extent that disclosure is:

(1) requested or consented to in writing by the employee; or

(2) required by other state or federal law.

Sec. 84.006. UNLAWFUL ACTION AGAINST EMPLOYEE. (a) An employer may not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided to an employee under this chapter.

(b) An employer may not suspend or terminate the employment of, retaliate against, or otherwise discriminate against an employee who takes time off authorized by this chapter if the employee has provided written notice as required by this chapter.

(c) An employee who takes time off under this chapter has no greater right to continued employment or to other benefits and conditions of employment than if the employee were not entitled to

time off under this chapter.

(d) This chapter does not limit an employer's right to discipline or terminate an employee for any reason, including due to a reduction in workforce or for cause, other than for the exercise by the employee of a right to which the employee is entitled under this chapter or as prohibited by other law.

Sec. 84.007. CIVIL REMEDY. (a) Notwithstanding any other law, the sole remedy for a person claiming to be aggrieved by a violation of this chapter by an employer is to bring a civil suit for damages or equitable relief, or both, in district court. The person may claim as damages all wages and benefits lost as a result of the violation by the employer, up to and including the date of the judgment, except that the person may not claim wages or benefits that accrued during a period of leave granted without pay under this chapter.

(b) This section does not relieve a claimant from any obligation to mitigate damages.