

BILL ANALYSIS

H.B. 1392
By: Turner
Economic Development
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Special education students in Texas are a population that require a heightened level of education in the public school system. The importance of parent teacher meetings as they relate to these students is a crucial component of the child's success and development within these programs.

A number of business education partnerships exist in Texas to help support our public school special education students. H.B. 1392 expands this support by providing that employers in Texas allow parents up to 10 hours of leave in each 12-month period in order to attend such parent teacher meetings.

RULEMAKING AUTHORITY

It is the opinion of the committee that rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Amends Subtitle D, Title 2, Labor Code, by adding Chapter 83 as follows:

Section 83.001. States a definition of (1) Employee, (2) Employee's child and (3) Special education program.

Section 83.002. Provides 10 hours of leave in each 12-month period to an employee who has been employed by the same employer for at least six consecutive months to participate in a meeting at the request of the child's teacher, counselor or principal. The employee must provide the employer with written notice of the meeting at least 24 hours in advance. However, the notice requirement is waived if the employee requires an unplanned leave due to an emergency situation regarding his/her child.

Section 83.003. Establishes that leave under this Chapter may be unpaid leave except if an employee chooses to use existing vacation, personal, compensatory, or other appropriate paid leave time.

Section 83.004. Provides a prohibition on employer retaliation so that an employer may not suspend or terminate the employment, or discriminate against an employee who takes leave if the employee has given written notice or taken emergency leave. If an employee is terminated, and if all requirements are met by an employee, he/she is entitled to reinstatement of the position, compensation for wages lost, reinstatement of benefits, seniority rights, court costs and fees if the employee takes action and is the prevailing party.

Section 83.005. States that each employer shall inform its employees of their rights by posting a notice in the employees workplace. The Texas Workforce Commission, by rule, shall prescribe the design and content of the sign as required.

SECTION 2. States that this Act applies only to an adverse employment action that is taken by an employer against an employee because of an employee absence authorized under Chapter 83, Labor Code, that occurs on or after the effective date of this Act.

SECTION 3. States the effective date for this Act.

EFFECTIVE DATE

This act takes effect September 1, 2007.