

BILL ANALYSIS

H.B. 2153
By: McClendon
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

House Bill 2153 allows an employee who is a parent, legal guardian, or custodial grandparent the right to take up to one hour per month of unpaid leave from work to attend or participate in the employee's child's school activities. The rights created under H.B. 2153 are separate and distinct from other "parental leave" laws allowing time off for medical care or for purposes of the child's well-being.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 (Section 86.008, Labor Code) of this bill.

ANALYSIS

House Bill 2153 amends the Labor Code to entitle an employee to one hour each calendar month time off to meet with a teacher of the employee's child or with a caregiver of the child in a child-care facility or participate in a facility or school activity of the employee's child. The bill requires an employee to provide the employer with reasonable advance written notice of the planned absence of the employee before taking time off.

H.B. 2153 does not require an employee to use existing vacation time, personal leave time, or compensatory leave time for the purpose of a planned absence except as otherwise provided by a collective bargaining agreement entered into before September 1, 2007. The bill prohibits the use of leave time from being restricted by a term or condition adopted by a collective bargaining agreement entered into on or after September 1, 2007.

H.B. 2153 requires the employee to provide documentation to the employer of the employee's participation in a particular activity on the employer's request. The bill provides that if both parents of a child are employed by the same employer at the same workplace, the entitlement granted to the employee is authorized to be exercised as regards to a specific activity of that child only by the employee who first gives notice to the employer. The bill prohibits an employer from suspending or terminating the employment of, or otherwise discriminating against, an employee who takes a planned absence to participate in an activity of the employee's child if the employee has given the required written notice. The bill sets forth entitlements for an employee whose employment is suspended or terminated in violation of the provisions of the bill. The bill requires each employer to inform its employees of their rights by posting a conspicuous sign in a prominent location in the employer's workplace. The bill requires the Texas Workforce Commission, by rule, to prescribe the design and content of the sign.

H.B. 2153 provides that the provisions of this bill apply to an employee who is a parent, legal guardian, or custodial grandparent of a child who is in a licensed or certified child-care facility or prekindergarten through grade 12.

EFFECTIVE DATE

September 1, 2007.