

By: Dutton

H.B. No. 752

A BILL TO BE ENTITLED

AN ACT

relating to the right of an employee to time off from work to participate in certain school activities 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 PARTICIPATION

IN CERTAIN SCHOOL ACTIVITIES

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 in the custody of an employee to whom this chapter applies.

(3) "Employer" means a person who employs 10 or more employees at the same workplace. The term includes a public employer.

Sec. 83.002. APPLICATION. This chapter applies to an employee who is a parent, legal guardian, or custodial grandparent of a child who is in prekindergarten through grade 12.

Sec. 83.003. RIGHT TO PARTICIPATE IN CERTAIN SCHOOL ACTIVITIES. (a) An employee who has been employed by the same employer for at least six consecutive months is entitled to time off

1 as provided by this section to:

2 (1) meet with a teacher of the employee's child; or

3 (2) participate in a school activity of the employee's  
4 child.

5 (b) An employee is entitled under this section to up to  
6 eight hours of leave in each 12-month period.

7 (c) Before taking time off under this section, an employee  
8 must provide the employer with written notice at least 48 hours  
9 before the time the planned absence of the employee is to begin.

10 Sec. 83.004. USE OF LEAVE TIME. (a) An employee is not  
11 required to use existing vacation leave time, personal leave time,  
12 or compensatory leave time for the purpose of a planned absence  
13 authorized by this chapter except as otherwise provided by a  
14 collective bargaining agreement entered into before September 1,  
15 2007.

16 (b) The use of leave time under this section may not be  
17 restricted by a term or condition adopted under a collective  
18 bargaining agreement that is entered into on or after September 1,  
19 2007.

20 (c) This section does not apply to an employer that provides  
21 the employer's employees with paid time off in the form of a  
22 flexible holiday that:

23 (1) may be taken at the employee's discretion; and

24 (2) exceeds four hours annually.

25 Sec. 83.005. EFFECT ON EMPLOYEE PAY. An employer may not  
26 reduce the pay otherwise owed to the employee for any pay period  
27 lasting eight hours or less because the employee took time off

1 during that pay period for the purpose of a planned absence  
2 authorized by this chapter.

3 Sec. 83.006. DOCUMENTATION. (a) An employee shall provide  
4 documentation to the employer of the employee's participation in a  
5 particular school activity on the employer's request.

6 (b) For purposes of this section, "documentation" means any  
7 verification of parental participation in a school activity that  
8 the child's school considers reasonable and appropriate.

9 Sec. 83.007. SAME EMPLOYER. If both parents of a child are  
10 employed by the same employer at the same workplace, the  
11 entitlement granted under Section 83.003 may be exercised as  
12 regards a specific school activity of that child only by the  
13 employee who first gives notice to the employer as required under  
14 Section 83.003(c). The other parent is entitled to time off to  
15 attend the school activity only as approved by the employer.

16 Sec. 83.008. EMPLOYER RETALIATION PROHIBITED. (a) An  
17 employer may not suspend or terminate the employment of, or  
18 otherwise discriminate against, an employee who takes a planned  
19 absence authorized by this chapter to participate in a school  
20 activity of the employee's child if the employee has given written  
21 notice as required under Section 83.003(c).

22 (b) An employee whose employment is suspended or terminated  
23 in violation of this chapter is entitled to:

24 (1) reinstatement to the employee's former position or  
25 a position that is comparable in terms of compensation, benefits,  
26 and other conditions of employment;

27 (2) compensation for wages lost during the period of

1 suspension or termination;

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

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

7 Sec. 83.009. NOTICE TO EMPLOYEES. (a) Each employer shall  
8 inform its employees of their rights under this chapter by posting a  
9 conspicuous sign in a prominent location in the employer's  
10 workplace.

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

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

23 SECTION 3. This Act takes effect September 1, 2007.