

By: Dutton

H.B. No. 753

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the right of an employee to time off from work to meet
3 with certain persons affecting the education of the employee's
4 child.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle D, Title 2, Labor Code, is amended by
7 adding Chapter 83 to read as follows:

8 CHAPTER 83. EMPLOYEE RIGHT TO MEET WITH CERTAIN PERSONS

9 AFFECTING THE EDUCATION OF THE EMPLOYEE'S CHILD

10 Sec. 83.001. DEFINITIONS. In this chapter:

11 (1) "Employee" means a person other than an
12 independent contractor who, for compensation, performs services
13 for an employer under a written or oral contract of hire, whether
14 express or implied.

15 (2) "Employee's child" means a child in the custody of
16 an employee to whom this chapter applies.

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

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

23 Sec. 83.003. RIGHT TO MEET WITH SCHOOL PERSONNEL. (a) An
24 employee who has been employed by the same employer for at least six

1 consecutive months is entitled to leave as provided by this section
2 to meet, at the request of the teacher, counselor, or principal,
3 with:

4 (1) a teacher of the employee's child;

5 (2) the school counselor of the employee's child; or

6 (3) the principal of the school the employee's child is
7 attending.

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

10 (c) Before taking leave under this section, an employee must
11 provide the employer with written notice at least 48 hours before
12 the time the planned absence of the employee is to begin.

13 (d) The notice requirement under Subsection (c) does not
14 apply to an employee who requires an immediate unplanned leave in an
15 emergency situation involving the employee's child.

16 Sec. 83.004. UNPAID LEAVE; USE OF LEAVE TIME. (a) Except
17 as provided by Subsection (b), leave taken under this chapter may be
18 unpaid leave.

19 (b) An employee entitled to leave under this chapter may
20 use, but is not required to use, existing vacation leave time,
21 personal leave time, compensatory leave time, or other appropriate
22 paid leave time for a planned absence authorized by this chapter
23 except as otherwise provided by a collective bargaining agreement
24 entered into before September 1, 2007.

25 (c) The use of leave time under this section may not be
26 restricted by a term or condition adopted under a collective
27 bargaining agreement that is entered into on or after September 1,

1 2007.

2 (d) This section does not apply to an employer that provides
3 the employer's employees with paid leave in the form of a flexible
4 holiday that:

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

6 (2) exceeds four hours annually.

7 Sec. 83.005. EFFECT ON EMPLOYEE PAY. An employer may not
8 reduce the pay otherwise owed to the employee for any pay period
9 lasting eight hours or less because the employee took time off
10 during that pay period for the purpose of a planned absence
11 authorized by this chapter.

12 Sec. 83.006. DOCUMENTATION. (a) An employee shall provide
13 documentation to the employer of the employee's meeting with school
14 personnel on the employer's request.

15 (b) For purposes of this section, "documentation" means any
16 verification of a meeting between the employee and school personnel
17 that the child's school considers reasonable and appropriate.

18 Sec. 83.007. SAME EMPLOYER. If both parents of a child are
19 employed by the same employer at the same workplace, the
20 entitlement granted under Section 83.003 may be exercised as
21 regards a meeting with school personnel only by the employee who
22 first gives notice to the employer as required under Section
23 83.003(c). The other parent is entitled to leave to attend the
24 meeting only as approved by the employer.

25 Sec. 83.008. EMPLOYER RETALIATION PROHIBITED. (a) An
26 employer may not suspend or terminate the employment of, or
27 otherwise discriminate against, an employee who takes leave under

1 this chapter if the employee has:

2 (1) given written notice as required under Section
3 83.003(c); or

4 (2) taken emergency leave as described by Section
5 83.003(d).

6 (b) An employee whose employment is suspended or terminated
7 in violation of this section is entitled to:

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

11 (2) compensation for wages lost during the period of
12 suspension or termination;

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

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

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

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

24 SECTION 2. This Act applies only to a suspension,
25 termination, or other adverse employment action that is taken by an
26 employer against an employee because of an employee absence
27 authorized under Chapter 83, Labor Code, as added by this Act, that

1 occurs on or after the effective date of this Act. Action taken by
2 an employer against an employee for an employee absence occurring
3 before the effective date of this Act is governed by the law in
4 effect on the date the absence occurred, and the former law is
5 continued in effect for that purpose.

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