

By: Giddings

H.B. No. 1004

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the right of an injured employee to time off from work
3 for treatment of a compensable injury; providing an administrative
4 penalty.

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

6 SECTION 1. Subchapter K, Chapter 408, Labor Code, is
7 amended by adding Section 408.204 to read as follows:

8 Sec. 408.204. RIGHT TO TIME OFF FOR TREATMENT OF
9 COMPENSABLE INJURY. (a) An employee who sustains a compensable
10 injury is entitled to reasonable time off as provided by this
11 section to attend an appointment with a health care practitioner
12 for treatment of the injury.

13 (b) The employee shall provide the employer with reasonable
14 notice of the absence from employment if possible under the
15 circumstances.

16 (c) An employee may be required to use existing sick leave
17 time, or other similar leave time, for an absence from employment
18 authorized by this section except as otherwise provided by a
19 collective bargaining agreement entered into before September 1,
20 2007.

21 (d) An employer may require an injured employee to provide
22 documentation to the employer of the employee's absence from
23 employment for treatment of the compensable injury. For purposes
24 of this subsection, "documentation" means any form of verification

1 of attendance at an appointment with a health care practitioner
2 that the commissioner considers reasonable and appropriate.

3 (e) An employer may not suspend or terminate the employment
4 of, or otherwise discriminate against, an employee who is absent
5 from employment as authorized by this section to attend an
6 appointment with a health care practitioner for treatment of a
7 compensable injury. An employee whose employment is suspended or
8 terminated in violation of this section is entitled to:

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

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

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

16 (f) An employer who violates this section is subject to an
17 administrative penalty in an amount not to exceed \$10,000, assessed
18 as provided by Chapter 415.

19 SECTION 2. This Act applies only to a suspension,
20 termination, or other adverse employment action that is taken by an
21 employer against an employee because of an employee absence
22 authorized under Section 408.204, Labor Code, as added by this Act,
23 that occurs on or after the effective date of this Act. A
24 suspension, termination, or other adverse employment action that is
25 taken by an employer against an employee before the effective date
26 of this Act is governed by the law in effect on the date the
27 employment action is taken, and the former law is continued in

1 effect for that purpose.

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