

By: Turner

H.B. No. 1392

A BILL TO BE ENTITLED

AN ACT

relating to the right of an employee who is a parent of a child enrolled in a special education program to time off from work to meet with certain persons affecting the education of the 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. RIGHT OF EMPLOYEE WHO IS A PARENT OF A CHILD ENROLLED IN
SPECIAL EDUCATION TO MEET WITH CERTAIN PERSONS AFFECTING THE
EDUCATION OF THE CHILD

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 who is:

(A) enrolled in kindergarten through grade 12 in a special education program; and

(B) in the custody of an employee.

(3) "Special education program" means a program described by Subchapter A, Chapter 29, Education Code.

Sec. 83.002. RIGHT TO MEET WITH SCHOOL PERSONNEL. (a) An employee who has been employed by the same employer for at least six consecutive months is entitled to leave as provided by this section

1 to meet, at the request of the teacher, counselor, or principal,
2 with:

3 (1) a teacher of the employee's child;
4 (2) the school counselor of the employee's child; or
5 (3) the principal of the school the employee's child is
6 attending.

7 (b) An employee is entitled under this section to up to 10
8 hours of leave in each 12-month period.

9 (c) Before taking leave under this section, an employee must
10 provide the employer with written notice at least 24 hours before
11 the time the planned absence of the employee is to begin.

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

15 Sec. 83.003. UNPAID LEAVE; USE OF LEAVE TIME. (a) Except
16 as provided by Subsection (b), leave taken under this chapter may be
17 unpaid leave.

18 (b) An employee entitled to leave under this chapter may
19 use, but is not required to use, existing vacation leave time,
20 personal leave time, compensatory leave time, or other appropriate
21 paid leave time for a planned absence authorized by this chapter.

22 Sec. 83.004. EMPLOYER RETALIATION PROHIBITED. (a) An
23 employer may not suspend or terminate the employment of, or
24 otherwise discriminate against, an employee who takes leave under
25 this chapter if the employee has:

26 (1) given written notice as required under Section
27 83.002(c); or

1 (2) taken emergency leave as described by Section
2 83.002(d).

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

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

8 (2) compensation for wages lost during the period of
9 suspension or termination;

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

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

15 Sec. 83.005. NOTICE TO EMPLOYEES. (a) Each employer shall
16 inform its employees of their rights under this chapter by posting a
17 conspicuous sign in a prominent location in the employer's
18 workplace.

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

21 SECTION 2. This Act applies only to a suspension,
22 termination, or other adverse employment action that is taken by an
23 employer against an employee because of an employee absence
24 authorized under Chapter 83, Labor Code, as added by this Act, that
25 occurs on or after the effective date of this Act. Action taken by
26 an employer against an employee for an employee absence occurring
27 before the effective date of this Act is governed by the law in

1 effect on the date the absence occurred, and the former law is
2 continued in effect for that purpose.

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