

By: McClendon

H.B. No. 2153

A BILL TO BE ENTITLED

AN ACT

relating to the right of an employee to time off from work to participate in certain school-related 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 86 to read as follows:

CHAPTER 86. EMPLOYEE RIGHT TO PARTICIPATION

IN CERTAIN SCHOOL AND CHILD-CARE FACILITY ACTIVITIES

Sec. 86.001. 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) "Employer" means a person who employs 10 or more employees at the same workplace. The term includes a public employer.

Sec. 86.002. APPLICATION. (a) This chapter applies 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.

(b) For purposes of this chapter, "employee's child" means a child in the custody of an employee to whom this chapter applies.

Sec. 86.003. RIGHT TO PARTICIPATE IN CERTAIN SCHOOL

1 ACTIVITIES. (a) An employee who is subject to this chapter is  
2 entitled to unpaid time off as provided by this section to:

3 (1) meet with a teacher of the employee's child or with  
4 a caregiver of the child in a child-care facility; or

5 (2) participate in a facility or school activity of  
6 the employee's child.

7 (b) An employee is entitled under this section to up to one  
8 hour in each calendar month.

9 (c) Before taking time off under this section, an employee  
10 must provide the employer with reasonable advance written notice of  
11 the planned absence of the employee.

12 Sec. 86.004. USE OF LEAVE TIME. (a) An employee is not  
13 required to use existing vacation leave time, personal leave time,  
14 or compensatory leave time for the purpose of a planned absence  
15 authorized by this chapter except as otherwise provided by a  
16 collective bargaining agreement entered into before September 1,  
17 2007.

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

21 Sec. 86.005. DOCUMENTATION. (a) An employee shall provide  
22 documentation to the employer of the employee's participation in a  
23 particular activity on the employer's request.

24 (b) For purposes of this section, "documentation" means any  
25 verification of parental participation in a facility or school  
26 activity that the child's facility or school considers reasonable  
27 and appropriate.

1       Sec. 86.006. SAME EMPLOYER. If both parents of a child are  
2 employed by the same employer at the same workplace, the  
3 entitlement granted under Section 86.003 may be exercised as  
4 regards a specific activity of that child only by the employee who  
5 first gives notice to the employer as required under Section  
6 86.003(c). The other parent is entitled to time off to attend the  
7 activity only as approved by the employer.

8       Sec. 86.007. EMPLOYER RETALIATION PROHIBITED. (a) An  
9 employer may not suspend or terminate the employment of, or  
10 otherwise discriminate against, an employee who takes a planned  
11 absence authorized by this chapter to participate in an activity of  
12 the employee's child if the employee has given written notice as  
13 required under Section 86.003(c).

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

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

19               (2) compensation for wages lost during the period of  
20 suspension or termination;

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

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

26       Sec. 86.008. NOTICE TO EMPLOYEES. (a) Each employer shall  
27 inform its employees of their rights under this chapter by posting a

1 conspicuous sign in a prominent location in the employer's  
2 workplace.

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

5 SECTION 2. This Act applies only to a suspension,  
6 termination, or other adverse employment action that is taken by an  
7 employer against an employee because of an employee absence  
8 authorized under Chapter 86, Labor Code, as added by this Act, that  
9 occurs on or after the effective date of this Act. Action taken by  
10 an employer against an employee for an employee absence occurring  
11 before that date is governed by the law in effect on the date the  
12 absence occurred, and the former law is continued in effect for that  
13 purpose.

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