

A BILL TO BE ENTITLED

AN ACT

relating to employee leave from work to address family violence situations.

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

SECTION 1. Subtitle A, Title 4, Family Code, is amended by adding Chapter 72 to read as follows:

CHAPTER 72. EMPLOYEE LEAVE FROM WORK

Sec. 72.001. APPLICABILITY OF CHAPTER. This chapter applies only to:

(1) employers who employ 50 or more employees; and

(2) employees who have been employed for three or more months by the employer from whom the employee seeks leave.

Sec. 72.002. LEAVE FROM WORK. (a) An employer shall permit an employee to request or take up to five days, excluding weekends and legal holidays, of leave from work in any 12-month period if the employee or a member of the employee's family or household is the victim of family violence. The employee may use the leave from work for activities including:

(1) seeking an injunction, protective order, or other order against the perpetrator of the act of family violence;

(2) obtaining medical care or mental health counseling, or both, for the employee or the member of the employee's family or household to address physical or psychological injuries resulting from the act of family violence;

1 (3) obtaining services from a victim services
2 organization, including a family violence center or program or a
3 rape crisis center;

4 (4) making the employee's home secure from the
5 perpetrator of the act of family violence or seeking new housing to
6 escape the perpetrator; or

7 (5) seeking legal assistance to address issues arising
8 from the act of family violence or preparing for and attending
9 court-related proceedings arising from the act of family violence.

10 (b) Employee leave from work under this chapter may be with
11 or without pay, at the discretion of the employer.

12 Sec. 72.003. ADVANCE NOTICE. As a condition of taking leave
13 from work under this chapter, an employee must give an employer
14 reasonable advance notice of the employee's intention to take
15 leave, unless advance notice is not feasible.

16 Sec. 72.004. OTHER LEAVE EXHAUSTED. An employee seeking
17 leave from work under this chapter must, before receiving the
18 leave, exhaust all annual or vacation leave, personal leave, and
19 sick leave, as applicable, that is available to the employee. An
20 employer may waive the requirement prescribed by this section.

21 Sec. 72.005. INFORMATION CONFIDENTIAL. All information
22 relating to leave from work taken by an employee under this chapter
23 is confidential and may not be disclosed by an employer.

24 Sec. 72.006. UNLAWFUL ACTION AGAINST EMPLOYEE. (a) An
25 employer may not interfere with, restrain, or deny the exercise of,
26 or the attempt to exercise, any right provided under this chapter.

27 (b) An employer may not discharge, demote, suspend,

1 retaliate against, or in any other manner discriminate against an
2 employee for exercising the employee's rights under this chapter.

3 (c) An employee has no greater rights to continued
4 employment or to other benefits and conditions of employment than
5 if the employee was not entitled to leave under this chapter. This
6 chapter does not limit an employer's right to discipline or
7 terminate any employee for any reason, including reductions in work
8 force or termination for cause or for no reason at all, other than
9 the exercise by an employee of rights under this chapter.

10 Sec. 72.007. CIVIL REMEDY. Notwithstanding any other law
11 to the contrary, the sole remedy for any person claiming to be
12 aggrieved by a violation of this chapter is to bring a civil suit
13 for damages or equitable relief, or both, in district court. The
14 person may claim as damages all wages and benefits that would have
15 been due the person up to and including the date of the judgment had
16 the act violating this chapter not occurred, except, however, the
17 person may not claim wages or benefits for a period of leave granted
18 without pay as provided by Section 72.002(b). This section does not
19 relieve a claimant from any obligation to mitigate damages.

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