

By: Turner

H.B. No. 387

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 one year is entitled to leave as provided by this section to meet, at

1 the request of the teacher, counselor, or principal, with:

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

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

4 (3) the principal of the school the employee's child is
5 attending.

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

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

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

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

17 (b) An employee entitled to leave under this chapter who has
18 existing vacation leave time, personal leave time, compensatory
19 leave time, or other appropriate paid leave time must use that leave
20 time for a planned absence authorized by this chapter.

21 Sec. 83.004. NOTICE TO EMPLOYEES. (a) Each employer shall
22 inform its employees of their rights under this chapter by posting a
23 conspicuous sign in a prominent location in the employer's
24 workplace.

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

27 SECTION 2. This Act takes effect September 1, 2011.