

By: Vo

H.B. No. 2537

A BILL TO BE ENTITLED

AN ACT

relating to an employee's right to leave to care for a sibling with a serious health condition.

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. EXPANDED FAMILY AND MEDICAL LEAVE

Sec. 83.001. DEFINITIONS. In this chapter:

(1) "Eligible employee," "employer," and "serious health condition" have the meanings assigned by the federal Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.).

(2) "Sibling" means:

(A) a brother or sister of the whole or half blood or by adoption; or

(B) a stepbrother or stepsister.

Sec. 83.002. ENTITLEMENT TO LEAVE. (a) An eligible employee under this chapter is entitled to leave to care for a sibling with a serious health condition.

(b) A requirement of the federal Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.) that would apply to an eligible employee's leave to care for a spouse, son, daughter, or parent with a serious health condition applies to leave taken under this chapter, including:

(1) notice requirements;

1 (2) the total amount of leave to which the eligible
2 employee is entitled;

3 (3) the taking of leave time intermittently or on a
4 reduced leave schedule under an agreement between the employer and
5 eligible employee; and

6 (4) the use of paid and unpaid leave.

7 Sec. 83.003. INSTITUTION OF PAID LEAVE PROGRAM NOT
8 REQUIRED. This chapter does not require an employer who does not
9 provide paid sick leave or other paid medical leave to institute a
10 program of paid leave for any situation in which that employer is
11 not normally providing paid leave.

12 Sec. 83.004. EMPLOYMENT AND BENEFITS PROTECTION;
13 EXCEPTION. (a) An eligible employee who takes leave under Section
14 83.002 is entitled, on return from the leave, to reinstatement in
15 the former position of employment or an equivalent position of
16 employment with equivalent employment benefits, pay, and other
17 terms and conditions of employment.

18 (b) Leave taken under Section 83.002 may not result in the
19 loss of any employment benefit accrued before the date on which the
20 leave began.

21 (c) This section does not entitle an eligible employee who
22 is reinstated in employment to the accrual of seniority or other
23 employment benefits during any period of leave.

24 (d) This section does not prohibit an employer from
25 requiring an eligible employee on leave under Section 83.002 to
26 report periodically to the employer on the status and intention of
27 the employee to return to work.

1 Sec. 83.005. PROHIBITED ACTS. (a) An employer may not
2 interfere with, restrain, or deny the exercise of or the attempt to
3 exercise any right provided under this chapter.

4 (b) An employer may not discharge or otherwise discriminate
5 against an individual for opposing a practice made unlawful by this
6 chapter.

7 (c) A person may not discharge or otherwise discriminate
8 against an individual because that individual has:

9 (1) filed a charge, or instituted or caused to be
10 instituted a proceeding, under or related to this chapter;

11 (2) given, or is about to give, any information in
12 connection with an inquiry or proceeding relating to a right
13 provided under this chapter; or

14 (3) testified, or is about to testify, in an inquiry or
15 proceeding relating to a right provided under this chapter.

16 Sec. 83.006. ENFORCEMENT. (a) An employer who violates
17 Section 83.005 is liable to an affected individual for damages
18 equal to the amount of:

19 (1) any wages, salary, employment benefits, or other
20 compensation denied or lost to the individual by reason of the
21 violation or, if wages, salary, employment benefits, or other
22 compensation has not been denied or lost, any actual monetary
23 losses sustained by the individual as a direct result of the
24 violation, including the cost of providing necessary care to the
25 eligible employee's sibling with a serious health condition, not to
26 exceed an amount equal to the individual's wages or salary for 12
27 weeks; and

1 (2) interest on the amount determined under
2 Subdivision (1) computed at the prevailing rate of interest on
3 judgments.

4 (b) The employer is also liable for equitable relief as
5 appropriate, including employment, reinstatement, and promotion.

6 (c) In addition to any judgment awarded to the plaintiff,
7 the court may require the defendant to pay reasonable attorney's
8 fees, reasonable expert witness fees, and other costs.

9 Sec. 83.007. RULES. The commission shall adopt rules as
10 necessary to administer this chapter.

11 SECTION 2. (a) This Act applies only to a suspension,
12 termination, or other adverse employment action that is taken by an
13 employer against an employee because of an employee absence
14 authorized under Chapter 83, Labor Code, as added by this Act, that
15 occurs on or after January 1, 2016. Action taken by an employer
16 against an employee for an employee absence occurring before
17 January 1, 2016, is governed by the law in effect immediately before
18 the effective date of this Act, and the former law is continued in
19 effect for that purpose.

20 (b) An employee is not entitled to take leave as provided by
21 Chapter 83, Labor Code, as added by this Act, before January 1,
22 2016.

23 (c) The Texas Workforce Commission shall adopt the rules
24 required by Chapter 83, Labor Code, as added by this Act, not later
25 than November 1, 2015.

26 SECTION 3. This Act takes effect September 1, 2015.