

## **BILL ANALYSIS**

Senate Research Center  
85R3028 KSD-D

H.B. 88  
By: Martinez, "Mando" et al. (Hinojosa)  
Natural Resources & Economic Development  
5/5/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, if an employer administers a leave policy for their employee to care for their sick child, there is no requirement that the leave policy treat foster children in the same manner as biological or adopted minor children. This has resulted in unequal treatment of employees who wish to use their leave policy in order to care for their foster children, even though they have the same obligations as biological or adoptive parents. The employee could be denied leave to care because the foster child is not the employee's biological or adopted child.

H.B. 88 addresses this issue by making it an unlawful practice for employers to administer leave policies that do not permit employees to use leave to care for the employee's foster child.

H.B. 88 amends current law relating to an unlawful employment practice by an employer whose leave policy does not permit an employee to use leave to care for the employee's foster child.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 21, Labor Code, by adding Section 21.0595, as follows:

Sec. 21.0595. DISCRIMINATORY LEAVE POLICY AFFECTING EMPLOYEE'S ENTITLEMENT TO PERSONAL LEAVE TO CARE FOR SICK FOSTER CHILD. Provides that an employer commits an unlawful employment practice if the employer administers a leave policy under which an employee is entitled to personal leave to care for or otherwise assist the employee's sick child and the leave policy does not treat in the same manner as an employee's biological or adopted minor child any foster child of the employee who resides in the same household as the employee and is under the conservatorship of the Department of Family and Protective Services.

SECTION 2. Makes application of Section 21.0595, Labor Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2017.