

By: Martinez, Guillen, González of El Paso,
Collier

H.B. No. 88

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Subchapter B, Chapter 21, Labor Code, is amended by adding Section 21.0595 to read as follows:

Sec. 21.0595. DISCRIMINATORY LEAVE POLICY AFFECTING EMPLOYEE'S ENTITLEMENT TO PERSONAL LEAVE TO CARE FOR SICK FOSTER CHILD. An employer commits an unlawful employment practice if:

(1) 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

(2) the leave policy described by Subdivision (1) does not treat in the same manner as an employee's biological or adopted minor child any foster child of the employee who:

(A) resides in the same household as the employee; and

(B) is under the conservatorship of the Department of Family and Protective Services.

SECTION 2. Section 21.0595, Labor Code, as added by this Act, applies only to a claim of discrimination based on conduct that occurs on or after the effective date of this Act. A claim of discrimination that is based on conduct that occurs before the

1 effective date of this Act is governed by the law in effect on the
2 date the conduct occurred, and the former law is continued in effect
3 for that purpose.

4 SECTION 3. This Act takes effect September 1, 2017.