

By: Watson

S.B. No. 285

A BILL TO BE ENTITLED

AN ACT

relating to the right of an employee to time off from work to obtain an election identification certificate.

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

SECTION 1. Subtitle D, Title 2, Labor Code, is amended by adding Chapter 84 to read as follows:

CHAPTER 84. EMPLOYEE RIGHT TO TIME OFF TO OBTAIN ELECTION IDENTIFICATION CERTIFICATE

Sec. 84.001. DEFINITIONS. In this chapter:

(1) "Employee" means an individual, 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) "Employer" means a person who employs one or more employees. The term includes a public employer.

(3) "Public employer" means this state and political subdivisions of this state, including:

(A) state, county, and municipal agencies;

(B) public schools, colleges, and universities;

and

(C) river authorities, publicly owned utilities, and other special districts.

Sec. 84.002. RIGHT TO OBTAIN ELECTION IDENTIFICATION CERTIFICATE; NOTICE TO EMPLOYER. (a) An employee is entitled to

1 time off as provided by this chapter to obtain an election  
2 identification certificate and any document necessary to apply for  
3 an election identification certificate if the employee:

4 (1) does not have a form of identification described  
5 by Section 63.0101, Election Code; and

6 (2) is a registered voter in this state or is eligible  
7 for registration under Section 13.001, Election Code.

8 (b) An employee entitled to time off under this chapter  
9 must, not later than 24 hours before the time the employee will be  
10 absent from work, notify the employee's employer that the employee  
11 will take the time off.

12 Sec. 84.003. USE OF LEAVE TIME. (a) An employer may not  
13 require an employee to use existing vacation leave time, personal  
14 leave time, or compensatory leave time for the purpose of an absence  
15 from work authorized by this chapter, except as otherwise provided  
16 by a collective bargaining agreement entered into before September  
17 1, 2017.

18 (b) The use of leave time under this section may not be  
19 restricted by a term or condition adopted under a collective  
20 bargaining agreement that is entered into on or after September 1,  
21 2017.

22 Sec. 84.004. EFFECT ON EMPLOYEE PAY. An employer may not  
23 reduce the pay otherwise owed to an employee for any pay period  
24 lasting eight hours or less because the employee took time off  
25 during that pay period for the purpose of an absence from work  
26 authorized by this chapter.

27 Sec. 84.005. DOCUMENTATION. On return to work an employee

1 shall provide reasonable documentation to the employer on the  
2 employer's request regarding the employee's absence from work to  
3 obtain an election identification certificate or document  
4 necessary to apply for an election identification certificate.

5 Sec. 84.006. EMPLOYER RETALIATION PROHIBITED. (a) An  
6 employer may not suspend or terminate the employment of, or  
7 otherwise discriminate against, an employee who takes time off from  
8 work authorized by this chapter.

9 (b) An employee whose employment is suspended or terminated  
10 in violation of this chapter is entitled to:

11 (1) reinstatement to the employee's former position or  
12 a position that is comparable in terms of compensation, benefits,  
13 and other conditions of employment;

14 (2) compensation for wages lost during the period of  
15 suspension or termination;

16 (3) reinstatement of any fringe benefits and seniority  
17 rights lost because of the suspension or termination; and

18 (4) if the employee brings an action to enforce this  
19 section and is the prevailing party, payment by the employer of  
20 court costs and reasonable attorney's fees.

21 Sec. 84.007. 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 applies only to a suspension,

1 termination, or other adverse employment action that is taken by an  
2 employer against an employee because of an employee absence from  
3 work authorized under Chapter 84, Labor Code, as added by this Act,  
4 that occurs on or after the effective date of this Act. A  
5 suspension, termination, or other adverse employment action that is  
6 taken by an employer against an employee before the effective date  
7 of this Act is governed by the law in effect on the date the  
8 employment action is taken, and the former law is continued in  
9 effect for that purpose.

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