

By: Miles

S.B. No. 1772

A BILL TO BE ENTITLED

AN ACT

relating to the right of an employee to time off from work to vote;  
creating a criminal offense.

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

SECTION 1. Subtitle D, Title 2, Labor Code, is amended by  
adding Chapter 86 to read as follows:

CHAPTER 86. EMPLOYEE RIGHT TO TIME OFF TO VOTE

Sec. 86.001. 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.

Sec. 86.002. RIGHT TO VOTE; NOTICE TO EMPLOYER. (a) An employee is entitled to at least two consecutive hours of time off as provided by this chapter to vote on an election day described by Section 41.001(a) or 41.007, Election Code.

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

Sec. 86.003. USE OF LEAVE TIME. (a) An employer may not require an employee to use existing vacation leave time, personal

1 leave time, or compensatory leave time for the purpose of an absence  
2 from work authorized by this chapter, except as otherwise provided  
3 by a collective bargaining agreement entered into before September  
4 1, 2017.

5 (b) The use of leave time under this section may not be  
6 restricted by a term or condition adopted under a collective  
7 bargaining agreement that is entered into on or after September 1,  
8 2017.

9 Sec. 86.004. EFFECT ON EMPLOYEE PAY. Leave time provided  
10 under this chapter may be paid or unpaid.

11 Sec. 86.005. NOTICE TO EMPLOYEES. (a) Each employer shall  
12 inform its employees of their rights under this chapter by posting a  
13 conspicuous sign in a prominent location in the employer's  
14 workplace.

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

17 Sec. 86.006. OFFENSE; PENALTY. (a) An employer commits an  
18 offense if the employer does not provide leave time to an employee  
19 as required by this chapter.

20 (b) An offense under this section is a Class B misdemeanor.

21 SECTION 2. This Act takes effect September 1, 2017.