

BILL ANALYSIS

H.B. 2501
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that there may not be sufficient employment-related protections available for parents seeking to attend a meeting with a child's teacher, counselor, school administrator, or caregiver or attend a child's school-related activities during work hours. H.B. 2501 seeks to address these concerns by setting a required leave entitlement per child that a parent may use for such purposes and by prohibiting certain retaliatory or discriminatory actions by employers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 of this bill.

ANALYSIS

H.B. 2501 amends the Labor Code to entitle an employee whose employment and employer meet certain specified criteria and who is a parent, legal guardian, custodial caregiver, managing conservator, or possessory conservator of a child who is in a licensed or certified child-care facility or prekindergarten through grade 12 to unpaid time off to meet with a teacher, counselor, or school administrator of the child or with a caregiver of the child in a child-care facility or to participate in a facility or school activity of the child. The bill entitles an employee to up to four hours of time off at one time in any one-year period for each of the employee's qualifying children but limits the frequency of the entitlement to two times in a one-month period.

H.B. 2501 requires an employee, before taking time off under the bill's provisions, to provide the employer with reasonable advance written notice of the planned absence, unless the need for the absence was not reasonably foreseeable. The bill specifies the required contents of the notice and prohibits an employer from requiring such notice of more than five calendar days.

H.B. 2501 authorizes but expressly does not require an employee to use existing vacation leave time, personal leave time, or compensatory leave time for the purpose of a planned absence authorized by the bill's provisions, except as otherwise provided by a collective bargaining agreement entered into before September 1, 2019. The bill prohibits the restriction of such a use of leave time by a term or condition adopted under a collective bargaining agreement entered into on or after September 1, 2019.

H.B. 2501 requires an employee to provide documentation to the employer of the employee's attendance at a meeting or participation in a particular activity on the employer's request and

authorizes an employer to waive the documentation requirement. The bill limits the exercise of the entitlement granted by the bill, regarding a specific meeting or activity of a child whose parents are both employed by the same employer at the same workplace, to the employee who first gives the required notice to the employer. The other parent is entitled to time off to attend the meeting or activity only as approved by the employer.

H.B. 2501 prohibits an employer from suspending or terminating the employment of or otherwise discriminating against an employee who takes a planned absence authorized by the bill if the employee has fulfilled the applicable requirements. The bill entitles an employee whose employment is suspended or terminated in violation of the bill's provisions to the following remedies:

- reinstatement to the employee's former position or a position that is comparable in terms of compensation, benefits, and other conditions of employment;
- compensation for wages lost during the period of suspension or termination;
- reinstatement of any fringe benefits and seniority rights lost because of the suspension or termination; and
- if the employee brings an action to enforce these rights and is the prevailing party, payment by the employer of court costs and reasonable attorney's fees.

H.B. 2501 prohibits an employer from declining to interview or hire an applicant solely because the applicant is a parent, legal guardian, custodial caregiver, managing conservator, or possessory conservator of an applicable child. The bill requires each employer to inform its employees of their rights under the bill's provisions by posting a conspicuous sign in a prominent location in the employer's workplace and requires the Texas Workforce Commission by rule to prescribe the design and content of the sign.

EFFECTIVE DATE

September 1, 2019.