

BILL ANALYSIS

Senate Research Center

S.B. 222
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 222 establishes, for the first time, a paid parental leave benefit for State of Texas employees. Specifically, S.B. 222 provides that employees are entitled to 30 days (six weeks) of paid leave following the birth of a child, and 10 days (two weeks) of paid leave following the adoption of a child, birth of a child via gestational surrogate, or birth of a child by the employee's spouse. Under current law, state employees are granted no paid leave following the birth of a child, and must exhaust any and all available sick or vacation time or utilize unpaid leave available under the Federal Family and Medical Leave Act.

A paid parental leave policy will help the State of Texas attract and retain talent while combating the workforce shortage. As one of the largest employers in the state, the State of Texas should be a leader in supporting mothers and their babies, including allowing paid time off in the critical window following birth. In fact, research by the National Bureau of Economic Research indicates that women who are offered paid parental leave are much more likely to return to the workforce after having a child. Long term, this policy will promote maternal mental and physical health and reduce health care costs for the State, while promoting healthy child development—a cornerstone for a strong state and a robust economy.

S.B. 222 amends current law relating to paid leave by certain state employees for the birth or adoption of a 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 Section 661.912, Government Code, as follows:

Sec. 616.912. FAMILY AND MEDICAL LEAVE ACT. (a) Creates an exception under Section 661.9125.

(b) Requires the employee to first use all available and applicable paid vacation and sick leave while taking leave under this section, except that an employee who is receiving temporary disability benefits or worker's compensation benefits or is taking paid leave under Section 661.9125 is not required to first use applicable paid vacation or sick leave while receiving those benefits or taking paid leave under Section 661.9125.

SECTION 2. Amends Subchapter Z, Chapter 661, Government Code, by adding Section 661.9125, as follows:

Sec. 661.9125. PAID PARENTAL LEAVE FOR CERTAIN EMPLOYEES. (a) Provides that this section applies only to a state employee who:

(1) is a member of the Employees Retirement System of Texas or is employed by a board, commission, department, or other agency in the

executive branch of state government created by the constitution or a statute of the state, except for an institution of higher education as defined by Section 61.003 (Definitions), Education Code; and

(2) takes leave under Section 661.912 for the:

- (A) birth of a child;
- (B) birth of a child by the employee's spouse;
- (C) birth of a child by a gestational surrogate; or
- (D) adoption of a child.

(b) Provides that a state employee who takes leave under Section 661.912 for the purpose of Subsection (a)(2)(A), except as provided by Subsection (c), is entitled to 40 days of paid leave during leave taken under that section.

(c) Provides that a state employee who takes leave under Section 661.912 for the purpose of Subsection (a)(2)(B), (C), or (D) is entitled to 20 days of paid leave during leave taken under Section 661.912.

(d) Provides that this section does not entitle an employee to any leave in addition to leave taken under Section 661.912.

(e) Provides that a state employee is not required to use all available paid vacation and sick leave before the employee is entitled to take paid leave under this section.

(f) Prohibits this section from being construed to:

- (1) create an employment right;
- (2) confer a protected status; or
- (3) create a cause of action against this state.

SECTION 3. Effective date: September 1, 2023.