

By: Talarico

H.B. No. 79

A BILL TO BE ENTITLED

AN ACT

relating to employment leave for victims of domestic violence,
sexual assault, and stalking.

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

SECTION 1. Subtitle A, Title 2, Labor Code, is amended by
adding Chapter 25 to read as follows:

CHAPTER 25: EMPLOYMENT LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE,
SEXUAL ASSAULT, AND STALKING.

Sec. 25.001. GENERAL PROVISIONS. (a) An employer shall not
discharge or in any manner discriminate against an employee for
taking time off to serve as required by law on an inquest jury or
trial jury, if the employee, prior to taking the time off, gives
reasonable notice to the employer that the employee is required to
serve.

(b) An employer shall not discharge or in any manner
discriminate or retaliate against an employee, including, but not
limited to, an employee who is a victim of a crime, for taking time
off to appear in court to comply with a subpoena or other court
order as a witness in any judicial proceeding.

(c) An employer shall not discharge or in any manner
discriminate or retaliate against an employee who is a victim for
taking time off from work to obtain or attempt to obtain any relief.
Relief includes, but is not limited to, a temporary restraining
order, restraining order, or other injunctive relief, to help

1 ensure the health, safety, or welfare of the victim or their child.

2 (d)(1) As a condition of taking time off for a purpose set
3 forth in subdivision (c), the employee shall give the employer
4 reasonable advance notice of the employee's intention to take time
5 off, unless the advance notice is not feasible.

6 (2) When an unscheduled absence occurs, the employer
7 shall not take any action against the employee if the employee,
8 within a reasonable time after the absence, provides a
9 certification to the employer. Certification shall be sufficient
10 in the form of any of the following:

11 (a) A police report indicating that the employee
12 was a victim.

13 (b) A court order protecting or separating the
14 employee from the perpetrator of the crime or abuse, or other
15 evidence from the court or prosecuting attorney that the employee
16 has appeared in court.

17 (c) Documentation from a licensed medical
18 professional, domestic violence counselor, a sexual assault
19 counselor, victim advocate, licensed health care provider, or
20 counselor that the employee was undergoing treatment or receiving
21 services for physical or mental injuries or abuse resulting in
22 victimization from the crime or abuse.

23 (d) Any other form of documentation that
24 reasonably verifies that the crime or abuse occurred, including but
25 not limited to, a written statement signed by the employee, or an
26 individual acting on the employee's behalf, certifying that the
27 absence is for a purpose authorized under this section.

1 (3) To the extent allowed by law the employer shall
2 maintain the confidentiality of any employee requesting leave.

3 (e) An employer shall not discharge or in any manner
4 discriminate or retaliate against an employee because of the
5 employee's status as a victim of crime or abuse, if the employee
6 provides notice to the employer of the status or the employer has
7 actual knowledge of the status.

8 (f)(1) An employer shall provide reasonable accommodations
9 for a victim of domestic violence, sexual assault, or stalking, who
10 requests an accommodation for the safety of the victim while at
11 work.

12 (2) For purposes of this subdivision, reasonable
13 accommodations may include the implementation of safety measures,
14 including a transfer, reassignment, modified schedule, changed
15 work telephone, changed work station, installed lock, assistance in
16 documenting domestic violence, sexual assault, stalking, or other
17 crime that occurs in the workplace, an implemented safety
18 procedure, or another adjustment to a job structure, workplace
19 facility, or work requirement in response to domestic violence,
20 sexual assault, stalking, or other crime, or referral to a victim
21 assistance organization.

22 (3) An employer is not required to provide a
23 reasonable accommodation to an employee who has not disclosed the
24 employee's status as a victim of domestic violence, sexual assault,
25 or stalking.

26 (4) The employer shall engage in a timely, good faith,
27 and interactive process with the employee to determine effective

1 reasonable accommodations.

2 (5) In determining whether the accommodation is
3 reasonable, the employer shall consider an exigent circumstance or
4 danger facing the employee.

5 SECTION 2: This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.