

By: Turner of Harris

H.B. No. 615

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the right of an employee who is a parent of a child  
3 enrolled in a special education program to time off from work to  
4 meet with certain persons affecting the education of the child.

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

6 SECTION 1. Subtitle D, Title 2, Labor Code, is amended by  
7 adding Chapter 83 to read as follows:

8 CHAPTER 83. RIGHT OF EMPLOYEE WHO IS A PARENT OF A CHILD ENROLLED IN  
9 SPECIAL EDUCATION TO MEET WITH CERTAIN PERSONS AFFECTING THE

10 EDUCATION OF THE CHILD

11 Sec. 83.001. DEFINITIONS. In this chapter:

12 (1) "Employee" means a person other than an  
13 independent contractor who, for compensation, performs services  
14 for an employer under a written or oral contract of hire, whether  
15 express or implied.

16 (2) "Employee's child" means a child who is:

17 (A) enrolled in kindergarten through grade 12 in  
18 a special education program; and

19 (B) in the custody of an employee.

20 (3) "Special education program" means a program  
21 described by Subchapter A, Chapter 29, Education Code.

22 Sec. 83.002. RIGHT TO MEET WITH SCHOOL PERSONNEL. (a) An  
23 employee who has been employed by the same employer for at least one  
24 year is entitled to leave as provided by this section to meet, at

1       the request of the teacher, counselor, or principal, with:  
2                (1) a teacher of the employee's child;  
3                (2) the school counselor of the employee's child; or  
4                (3) the principal of the school the employee's child is  
5       attending.

6               (b) An employee is entitled under this section to up to 10  
7       hours of leave in each 12-month period.

8               (c) Before taking leave under this section, an employee must  
9       provide the employer with written notice at least 48 hours before  
10      the time the planned absence of the employee is to begin.

11               (d) The notice requirement under Subsection (c) does not  
12      apply to an employee who requires an immediate unplanned leave in an  
13      emergency situation involving the employee's child.

14               Sec. 83.003. UNPAID LEAVE; USE OF LEAVE TIME. (a) Except  
15      as provided by Subsection (b), leave taken under this chapter must  
16      be unpaid leave.

17               (b) An employee entitled to leave under this chapter who has  
18      existing vacation leave time, personal leave time, compensatory  
19      leave time, or other appropriate paid leave time must use that leave  
20      time for a planned absence authorized by this chapter.

21               Sec. 83.004. 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 takes effect September 1, 2009.