

BILL ANALYSIS

H.B. 58
By: Martinez, "Mando"
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have raised concerns regarding the possibility that an employer's leave policy, while allowing for an employee to take leave to care for the employee's biological or adopted child, would not allow an employee to use leave to care for a foster child. The parties emphasize that a foster parent has the same obligations as a biological or adoptive parent, and they further contend that it should be an unlawful employment practice for an employer's leave policy to not permit an employee to use leave to care for the employee's foster child. H.B. 58 seeks to address the matters that may result in this unequal treatment.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 58 amends the Labor Code to establish that an employer commits an unlawful employment practice if the employer administers a leave policy under which an employee is entitled to personal leave to care for or otherwise assist the employee's sick child and the leave policy does not treat in the same manner as an employee's biological or adopted minor child any foster child of the employee who resides in the same household as the employee and is under the conservatorship of the Department of Family and Protective Services.

EFFECTIVE DATE

September 1, 2015.