

SUBJECT: Employee's time off from work for child's school-related activities

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 5 ayes — Giddings, Bailey, Bohac, Castro, Martinez

0 nays

2 present not voting — Elkins, Darby

2 absent — Solomons, Zedler

WITNESSES: For — (*Registered, but did not testify*: Jeanette Rodriguez, Texas State Teachers Association; M. Madison Sloan, Texas Appleseed)

Against — (*Registered, but did not testify*: Cathy DeWitt, Texas Association of Business; Christopher Hahn, Texas Employment Law Council)

DIGEST: HB 2153 would permit an employee who was a parent, legal guardian, or custodial grandparent the right to take up to one hour a month of unpaid leave from work to meet with a teacher or caregiver of the employee's child or to participate in the child's school activities.

"Employee" would mean a person other than an independent contractor who performed services for an employer for compensation under a written or oral contract. The bill would define "employer" as a person who employed 10 or more employees at the same workplace and would include a public employer. "Employee's child" would be a child in the custody of an employee to whom these provisions applied.

Application. HB 2153 would apply to an employee who was a parent, legal guardian, or custodial grandparent of a child who was in a licensed or certified child-care facility or pre-kindergarten through grade 12.

Right to participate. The bill would establish that an employee was entitled to unpaid time off, up to one hour in each calendar month, to meet with a teacher of the employee's 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.

Written notice. Before taking time off, an employee would have to provide the employer with reasonable advance written notice of the planned absence.

Documentation. On the employer's request, an employee would provide documentation of the employee's participation in a particular activity. "Documentation" would mean any verification of parental participation in a facility or school activity that the child's facility or school considered reasonable and appropriate.

No use of leave time. HB 2153 would stipulate that an employee was not required to use existing vacation leave time, personal leave time, or compensatory leave time for such a planned absence. The use of leave time could not be restricted by a term or condition adopted under a collective bargaining agreement entered into on or after September 1, 2007.

Parent with same employer. If both parents of a child were employed at the same workplace, the entitlement could be exercised only by the employee parent who first gave notice to the employer. The other parent would be entitled to time off to attend the activity only as approved by the employer.

Employer retaliation prohibited. HB 2153 would not permit an employer to suspend or terminate, or otherwise discriminate against, an employee who took a planned absence to participate in an activity of the employee's child if the employee had given required written notice.

An employee whose employment was suspended or terminated in violation of the bill would be entitled to:

- reinstatement to the employee's former position or a position that was 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

- payment by the employer of court costs and reasonable attorney's fees if the employee brought an action and was the prevailing party.

Notice to employees. Each employer would inform its employees of their rights by posting a conspicuous sign in a prominent location in the workplace. The Texas Workforce Commission by rule would prescribe the design and content of the required sign.

The bill would take effect September 1, 2007, and would apply only to an employment action taken by an employer because of an employee action authorized by the bill on or after that date.

**SUPPORTERS
SAY:**

HB 2153 would grant working parents the right to take unpaid time off from their work – up to one hour each calendar month – in order to participate in school-related activities of their children or to meet with the children's teachers or caregivers. Parents are spending less time participating in their children's school activities and less attention to their children's needs, due in part to the demands of work. The bill would not pretend to be a cure-all for better child-parent relationships, but would permit a parent the right to take up to one hour of unpaid leave per month to participate in a child's school-related activities and, as a result, would encourage more parental involvement in the child's education.

HB 2153 would not add to compensated time that employers provided for personal leave, compensatory leave time, or vacation time. This would be important to a parent who had begun a new job and who had not accrued leave time or had earned only one week of vacation time in the first year or two of employment. The bill would require that an employee provide an employer with reasonable advance written notice of a planned absence. Should both parents work for the same employer both could attend a school-related activity or a teacher's meeting with the employer's approval, but if the employer approved only one parent's attendance, the first to submit notice would be permitted the unpaid hour of absence.

Many employees have to balance work and family responsibilities. Having flexible leave policies would help employees in meeting these obligations. Up to one unpaid hour a month should not create a significant impact on an employer's business, considering that it would affect only one group in the workforce – parents with school-age children.

OPPONENTS
SAY:

Participating in a child's school activities and meeting with a child's teacher have inherent value, but HB 2153 would create an unfunded mandate on the business community due to loss of productivity. Employers and employees tend to work out such issues through the use of personal leave time, compensatory leave time, or vacation time. The Legislature should not interfere with this aspect of the employer-employee relationship.