

BILL ANALYSIS

Senate Research Center

H.B. 1761
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Business & Commerce
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Engrossed

DIGEST AND PURPOSE

For a parent to be an active participant in their child's education, it is often necessary for the parent to meet with their child's school principal, counselor, or teacher if a situation arises regarding their child. In recent years it has become increasingly difficult for parents to take time away from work if such a situation arises. H.B. 1761 entitles employees to an allotted amount of time that the employee may take off work to meet with certain persons affecting their child's education.

RULEMAKING AUTHORITY

Rulemaking authority is expressly delegated to the Texas Workforce Commission in SECTION 1 (Sec. 83.005, Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

H.B. 1761 amends the Labor Code to entitle an employee who has been employed by the same employer for at least twelve consecutive months and who has worked for the employer for at least 1,250 hours during the preceding twelve months to up to 10 hours of leave in each 12-month period to meet with the teacher, school counselor, or principal of the employee's child. The bill applies to an employer who has 10 or more employees for each working day in each of 20 or more weeks in the current or preceding year. The bill authorizes leave taken to be unpaid and authorizes, but provides that an employer may require, an employee to use accrued vacation, personal, compensatory, or other appropriate paid leave time for an absence authorized by the bill. The bill provides that an employee must provide the employer with written notice at least 24 hours before the planned absence unless the leave is immediate and unplanned due to an emergency situation involving the employee's child. The bill requires an employee, on the request of an employer, to provide documentation of the meeting requested by the teacher, counselor, or principal.

H.B. 1761 prohibits an employer from suspending or terminating the employment of an employee who takes leave because the employee has taken leave if the employee has given written notice or taken emergency leave. The bill provides that a violation of this provision is established if the complainant demonstrates that, but for the complainant having taken leave, the employer would not have suspended or terminated the employment of the complainant. The bill sets forth remedies for an employee whose employment is suspended or terminated in violation of these provisions and authorizes a court to allow the prevailing party court costs and reasonable attorney's fees if an enforcement action is brought.

H.B. 1761 requires each employer to post a conspicuous sign in a prominent location in the workplace informing employees of their rights under these provisions. The bill requires the Texas Workforce Commission, by rule, to prescribe the design and content of the sign.

EFFECTIVE DATE: September 1, 2001.