

## BILL ANALYSIS

Senate Research Center  
79R952 PB-D

S.B. 41  
By: Zaffirini  
Business & Commerce  
4/9/2005  
As Filed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

There is no current law that requires employers to grant unpaid leave time to allow employees to participate in their children's school-related activities.

Research demonstrates that parental involvement is an important determinant of student success. There is also a growing concern that parents are not able to develop relationships with their children's teachers. This legislation addresses the issue of parents who would like to personally participate in activities in their children's schools, but are unable to do so due to work schedules.

As proposed, S.B. 41 allows employees to take up to one unpaid hour each month so they can personally participate in activities involving their children's education.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 (Section 83.008, Labor Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle D, Title 2, Labor Code, by adding Chapter 83, as follows:

#### CHAPTER 83. EMPLOYEE RIGHT TO PARTICIPATION IN CERTAIN SCHOOL AND CHILD-CARE FACILITY ACTIVITIES

Sec. 83.001. DEFINITIONS. Defines "employee" and "employer."

Sec. 83.002. APPLICATION. Provides that this chapter applies to an employee who is a parent, legal guardian, or custodial grandparent of a child who is in a licensed or certified child-care facility or prekindergarten through grade 12. Defines "employee's child."

Sec. 83.003. RIGHT TO PARTICIPATE IN CERTAIN SCHOOL ACTIVITIES. (a) Entitles an employee subject to this chapter to unpaid time off in order to meet with a teacher of the employee's child or with a caregiver of the child in a child-care facility or participate in a facility or school activity of the employee's child.

(b) Entitles an employee to use up to one hour in each calendar month under this section.

(c) Requires the employee, prior to taking time off under this section, to provide the employer with reasonable advance written notice.

Sec. 83.004. USE OF LEAVE TIME. Provides that an employee is not required to use certain other leave time for the purpose of a planned absence authorized by this chapter, and provides an exception. Prohibits the use of leave time under this section to be restricted by a term or condition adopted under a collective bargaining agreement entered into on or after September 1, 2005.

Sec. 83.005. DOCUMENTATION. Requires an employee to provide documentation to the employer of the employee's participation in a particular activity on the employer's request. Defines "documentation."

Sec. 83.006. SAME EMPLOYER. Entitles the parent who first gives notice to the employer to time off for a specific activity, if both parents are employed by the same employer. Entitles the other parent to time off for that same activity only if the employer approves.

Sec. 83.007. EMPLOYER RETALIATION PROHIBITED. Prohibits the employer from taking certain discriminatory actions, including terminating or suspending employment, against an employee who takes a planned absence authorized by this chapter to participate in an activity of the employee's child provided the employee has given the required written notice. Sets forth to which compensatory measures an employee suspended or terminated in violation of this chapter is entitled.

Sec. 83.008. NOTICE TO EMPLOYEES. Requires each employer to inform its employees of their rights under this chapter by posting a sign in a prominent location in the employer's workplace. Requires the Texas Workforce Commission by rule to prescribe the design and content of the sign.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.