

Chapter 113

H.B. No. 88

AN ACT

relating to an unlawful employment practice by an employer whose leave policy does not permit an employee to use leave to care for the employee's foster child.

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

SECTION 1. Subchapter B, Chapter 21, Labor Code, is amended by adding Section 21.0595 to read as follows:

Sec. 21.0595. DISCRIMINATORY LEAVE POLICY AFFECTING EMPLOYEE'S ENTITLEMENT TO PERSONAL LEAVE TO CARE FOR SICK FOSTER CHILD. An employer commits an unlawful employment practice if:

(1) 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

(2) the leave policy described by Subdivision (1) does not treat in the same manner as an employee's biological or adopted minor child any foster child of the employee who:

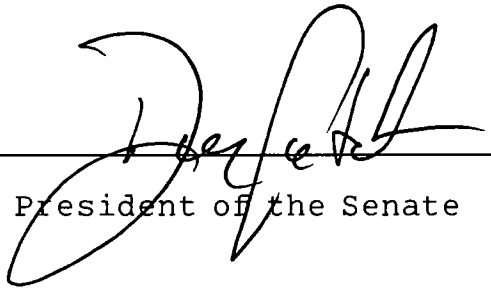
(A) resides in the same household as the employee; and

(B) is under the conservatorship of the Department of Family and Protective Services.

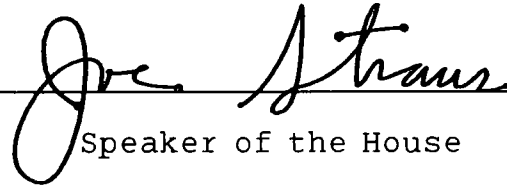
SECTION 2. Section 21.0595, Labor Code, as added by this Act, applies only to a claim of discrimination based on conduct that occurs on or after the effective date of this Act. A claim of discrimination that is based on conduct that occurs before the

1 effective date of this Act is governed by the law in effect on the
2 date the conduct occurred, and the former law is continued in effect
3 for that purpose.

4 SECTION 3. This Act takes effect September 1, 2017.




President of the Senate



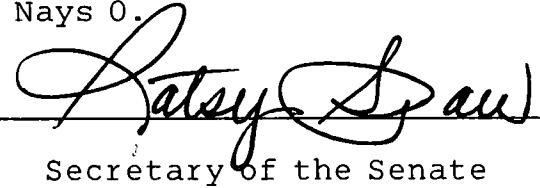
Speaker of the House

I certify that H.B. No. 88 was passed by the House on April 13, 2017, by the following vote: Yeas 136, Nays 2, 3 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 88 was passed by the Senate on May 12, 2017, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate


APPROVED: 5-26-2017

Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7 PM O'CLOCK

MAY 26 2017


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 4, 2017

TO: Honorable Craig Estes, Chair, Senate Committee on Natural Resources & Economic Development

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB88 by Martinez, "Mando" (Relating to an unlawful employment practice by an employer whose leave policy does not permit an employee to use leave to care for the employee's foster child.), As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend the Labor Code relating to an unlawful employment practice by an employer whose leave policy does not permit an employee to use leave to care for the employee's foster child. Based on information provided by the Texas Workforce Commission, this analysis assumes that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission

LBB Staff: UP, SZ, CL, EH, CP, NV, JLi

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 2, 2017

TO: Honorable René Oliveira, Chair, House Committee on Business & Industry

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB88 by Martinez, "Mando" (Relating to an unlawful employment practice by an employer whose leave policy does not permit an employee to use leave to care for the employee's foster child.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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