

1 AN ACT

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

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

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

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

11 (1) the employer administers a leave policy under  
12 which an employee is entitled to personal leave to care for or  
13 otherwise assist the employee's sick child; and

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

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

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

21 SECTION 2. Section 21.0595, Labor Code, as added by this  
22 Act, applies only to a claim of discrimination based on conduct that  
23 occurs on or after the effective date of this Act. A claim of  
24 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.

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President of the Senate

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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.

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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.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor