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Texas Extends Leave Rights to Foster Parents. Is Your Company in Compliance?

By Alia Adkins-Derrick

A notable leave law, that was enacted by Texas lawmakers in the 85th legislative session, extends leave to a category of parents who previously were not expressly covered —foster parents. To avoid running afoul of the new law, employers should take time now to review and update their company leave policies and practices to expressly cover foster parents.

The New Law & Its Impact.

Under the new law, which can be found at Section 21.0595 of the Texas Labor Code, Texas employers who have a leave policy that allows parents to take leave to care for sick biological or adopted children must, as of September 1, 2017, extend that same leave option to eligible foster parents who care for sick foster children. It is worth noting that the new Texas leave law does not require employers provide leave, rather it regulates employers who do offer leave to parents by mandating they grant leave to eligible foster parents as well. The failure to do so by any employer, who is subject to the new law, is deemed an unlawful employment practice.

Federal Implications for Employers.

Employers need to keep in mind that while the new Texas leave law does not require employers provide leave to Texas employees, some federal leave laws do when employers meet certain criteria. In light of this, employers should take the time now to review and update their leave policies to ensure compliance with both state and federal leave laws.

Conclusion.

Ultimately, the new leave law is aimed at addressing concerns that, in some workplaces, foster parents were not afforded the same leave rights as biological and adoptive parents. With the new law on the books, companies and employers should not wait, but take time now to review, revise, and revamp company leave policies and practices.

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