

# EMPLOYMENT LAW SUMMARY

## Texas Employee Leave Laws - Overview



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Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, Texas employers must comply with state employment laws requiring employee leave for specific purposes. (Employers must also follow federal employee leave laws, such as the Family and Medical Leave Act.)

Texas has state laws that require:

- Jury duty and court attendance leave;
- Military leave;
- Voting and convention leave;
- Emergency evacuation leave; and
- Foster child leave.

The chart below provides a high-level overview of Texas employee leave laws.

### Overview of Texas Employee Leave Laws

TYPE OF LEAVE	REQUIREMENTS
Jury Duty/Court Attendance Leave	<p>Employers may not discharge, threaten to discharge, intimidate or coerce permanent employees for serving as a juror or grand juror, or for the employee's attendance or scheduled attendance in connection with the service.</p> <p>Remedies for violations of the law include reinstatement, damages of one to five years' compensation and attorney's fees.</p> <p>Employers may not punish or penalize employees for taking time off from work to comply with a valid subpoena to appear in court.</p>
Military Leave	<p>In addition to the Uniformed Services Employment and Reemployment Rights Act (USERRA), Texas law provides the following job protections for state military members:</p> <ul style="list-style-type: none"><li>• Reemployment rights (without loss of time, efficiency rating, vacation time or any benefit of employment) following a period of state military service; and</li><li>• The same benefits and protections provided to U.S. military members by USERRA.</li></ul>

TYPE OF LEAVE	REQUIREMENTS
Voting and Convention Leave	Employees may be absent from work for a reasonable amount of time to vote (at least two hours) on election day or while early voting is in progress, unless the polls are open for at least two consecutive hours outside of the employee's work hours. Voting leave is <b>paid</b> if the time cuts into the employee's normal working hours. Employers may designate the time the employee will be off to vote, as long as the time is reasonable and sufficient to allow the employee to vote. Employees may be absent from work to attend a state or local political convention. Convention leave is unpaid.
Emergency Evacuation Leave	Employers cannot discharge or discriminate against employees who leave work to participate in a general public evacuation ordered under an emergency evacuation order. These requirements do not apply to: <ul style="list-style-type: none"> <li>• Emergency services personnel (for example, firefighters, police officers and emergency medical technicians), if the employer provides them with adequate emergency shelter; and</li> <li>• Any person necessary to provide for the safety and well-being of the general public, including any person needed to restore vital services.</li> </ul>
Foster Child Leave	Employers with <b>15 or more</b> employees that provide leave to care for or otherwise assist employees' sick biological or adopted children must provide the same leave for an employee's foster child, if the child resides in the same household as the employee and is under the conservatorship of the Texas Department of Family and Protective Services.

Please note that the information in the above chart focuses on statewide laws. Cities, towns and counties across the country have enacted local ordinances that require employers to provide leave to employees for varied reasons. Generally, employers must comply with the local ordinance and statewide law, if applicable.

### More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in Texas.

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