

1-1 By: Nichols, et al. S.B. No. 222  
1-2 (In the Senate - Filed November 14, 2022; February 15, 2023,  
1-3 read first time and referred to Committee on Business & Commerce;  
1-4 March 16, 2023, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 11, Nays 0; March 16, 2023,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 222 By: Nichols

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to paid leave by certain state employees for the birth or  
1-24 adoption of a child.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 661.912, Government Code, is amended to  
1-27 read as follows:

1-28 Sec. 661.912. FAMILY AND MEDICAL LEAVE ACT. (a) Except as  
1-29 provided by Section 661.9125, to [The] the extent required by  
1-30 federal law, a state employee who has a total of at least 12 months  
1-31 of state service and who has worked at least 1,250 hours during the  
1-32 12-month period preceding the beginning of leave under this section  
1-33 is entitled to leave under the federal Family and Medical Leave Act  
1-34 of 1993 (29 U.S.C. Section 2601 et seq.).

1-35 (b) The employee must first use all available and applicable  
1-36 paid vacation and sick leave while taking leave under this section,  
1-37 except that an employee who is receiving temporary disability  
1-38 benefits or workers' compensation benefits or is taking paid leave  
1-39 under Section 661.9125 is not required to first use applicable paid  
1-40 vacation or sick leave while receiving those benefits or taking  
1-41 paid leave under Section 661.9125.

1-42 SECTION 2. Subchapter Z, Chapter 661, Government Code, is  
1-43 amended by adding Section 661.9125 to read as follows:

1-44 Sec. 661.9125. PAID PARENTAL LEAVE FOR CERTAIN EMPLOYEES.

1-45 (a) This section applies only to a state employee who:

1-46 (1) is a member of the Employees Retirement System of  
1-47 Texas or is employed by a board, commission, department, or other  
1-48 agency in the executive branch of state government created by the  
1-49 constitution or a statute of the state, except for an institution of  
1-50 higher education as defined by Section 61.003, Education Code; and

1-51 (2) takes leave under Section 661.912 for the:

1-52 (A) birth of a child;

1-53 (B) birth of a child by the employee's spouse;

1-54 (C) birth of a child by a gestational surrogate;

1-55 or

1-56 (D) adoption of a child.

1-57 (b) Except as provided by Subsection (c), a state employee  
1-58 who takes leave under Section 661.912 for the purpose of Subsection  
1-59 (a)(2)(A), (C), or (D) is entitled to 30 days of paid leave during  
1-60 leave taken under that section.

2-1           (c) A state employee who takes leave under Section 661.912  
2-2 for the purpose of Subsection (a)(2)(B) is entitled to 10 days of  
2-3 paid leave during leave taken under Section 661.912.

2-4           (d) This section does not entitle an employee to any leave  
2-5 in addition to leave taken under Section 661.912.

2-6           (e) A state employee is not required to use all available  
2-7 paid vacation and sick leave before the employee is entitled to take  
2-8 paid leave under this section.

2-9           SECTION 3. This Act takes effect September 1, 2023.

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