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HOUSE BILL NO. 792

Offered January 9, 2008

Prefiled January 8, 2008

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:3, relating to employee leave for school purposes.*

Patron—Englin

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:3 as follows:

§ 40.1-28.7:3. Employers to allow parents leave for school activities.

A. As used in this section, "school" means any public school; private church school, church of religious charter, or nonpublic school that regularly provides a course of grade school instruction; preschool; or child care facility.

B. Every employer shall allow each person employed by him in connection with any business or service, which person is a parent, guardian, or person standing in loco parentis of a school-aged child, at least four hours leave annually so that the employee may attend parent-teacher conferences or to volunteer at the child's school. Any leave under this section is subject to the following:

1. The employee shall take the leave at a time mutually agreed upon with his employer;

2. The employer may require the employee to provide the employer with a written request for the leave at least 48 hours before the time desired for the leave; and

3. The employer may require the employee to furnish written verification from the child's school that the employee attended or was otherwise involved at the school at the time of the leave.

C. Employers shall not discharge, demote, or otherwise take an adverse employment action against an employee who requests or takes leave under this section. Nothing in this section shall require an employer to pay an employee for leave taken under this section.

D. An employee who is demoted or discharged or who has had an adverse employment action taken against him or her in violation of this section may bring a civil action within one year from the date of the alleged violation against the employer who violates this section and obtain either (i) any wages or benefits lost as a result of the violation or (ii) an order of reinstatement without loss of position, seniority, wages, or benefits. The burden of proof in such civil action shall be upon the employee.

INTRODUCED

HB792