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HOUSE BILL NO. 64

Offered January 8, 2020

Prefiled December 4, 2019

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:7, relating to employee leave for child's school activities.*

Patron—Miyares

Referred to Committee on Labor and Commerce

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 40.1-28.7:7 as follows:

§ 40.1-28.7:7. 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 grant four hours of leave per year to each of its employees who is a parent, guardian, or person standing in loco parentis of a school-aged child so that the employee may attend parent-teacher conferences, volunteer at the child's school, or otherwise be involved in 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 the 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

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