

House Bill 311

By: Representatives Bruce of the 64th, Fullerton of the 151st, Scott of the 76th, Frazier of the 123rd, Abrams of the 84th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to labor and industrial relations, so as to enact the "Parent
3 Protection Act"; to provide for leave for employees to attend school conferences and medical
4 appointments; to provide for definitions; to provide for conditions to take leave; to provide
5 for annual notification; to provide for statutory construction; to provide that retaliatory
6 actions are unlawful; to provide for a remedy; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Parent Protection Act."

11 **SECTION 2.**

12 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
13 provisions relative to labor and industrial relations, is amended by adding a new Code section
14 to read as follows:

15 "34-1-8.

16 (a) As used in this Code section, the term:

17 (1) 'Available leave' means annual leave, personal leave, sick leave, compensatory leave,
18 or other similar leave provided by an employer which an employee may use to attend
19 school conferences, medical appointments of the employee or the employee's family
20 members, or similar activities.

21 (2) 'Child' means any minor child living with the employee, a child related by blood or
22 marriage, or the employee's legal ward.

23 (3) 'Elderly relative' means an adult 60 years of age or older related by blood or marriage
24 to the employee who may require care or assistance from the employee in making
25 arrangements for housing, meals, banking services, and other similar activities.

- 26 (4) 'Eligible employee' means an individual who:
27 (A) Has been employed by an employer for at least six consecutive months; and
28 (B) Has 24 hours or less of available leave as of July 1 of any given calendar year.
29 (5) 'Employer' means an employer in the private sector in this state.
30 (6) 'School conference' means registration for enrollment in a day-care program,
31 preschool, kindergarten program, or elementary or secondary school or a meeting about
32 a child's academic achievement, behavior, performance, or support plan when such
33 meeting is initiated by either an educator or other school or program representative or the
34 parent and which is conducted at the child's school or day-care center.
35 (b) Subject to the requirements of subsection (d) of this Code section, an eligible employee
36 shall be entitled to a total of 24 hours of leave, paid or unpaid in accordance with
37 subsection (c) of this Code section, during any 12 month period for one or more of the
38 following:
39 (1) To attend a medical appointment for the employee or the employee's spouse or child;
40 (2) To accompany an elderly relative to a medical appointment; or
41 (3) To attend a school conference for a child of the employee
42 when the appointment or school conference cannot reasonably be scheduled during the
43 employee's nonwork hours.
44 (c) Leave granted under subsection (b) of this Code section may consist of unpaid leave,
45 and nothing in this Code section shall be construed to require such leave be paid; provided,
46 however, that an eligible employee shall be permitted to utilize any accrued available leave
47 for leave taken pursuant to subsection (b) of this Code section.
48 (d) Any leave granted pursuant to subsection (b) of this Code section shall be subject to
49 the following conditions:
50 (1) An eligible employee requesting leave under subsection (b) of this Code section shall
51 provide reasonable notice to the employer prior to the absence and make reasonable effort
52 to plan the absence so as not to unduly disrupt the operations of the employer;
53 (2) An employer may require a written request at least 48 hours before the planned
54 absence;
55 (3) An employer with three or fewer employees at the same location may reasonably
56 limit the number of employees allowed to take a planned absence on the same calendar
57 day;
58 (4) An employer may require the eligible employee to provide written verification of a
59 medical appointment or school conference, such as a written note from a physician or
60 documentation signed by a school or day-care administrator or teacher attending the
61 conference; and

- 62 (5) An employer may require eligible employees to take leave in increments of no less
63 than two hours.
- 64 (e) An employer shall annually notify its employees of their eligibility to request leave
65 under this Code section by posting such notice or issuing a memorandum to all employees.
- 66 (f) Nothing in this Code section shall be construed to limit the amount of leave time an
67 employer may offer for eligible activities.
- 68 (g) To the extent an employee eligible for leave under this Code section is also eligible for
69 leave for such purposes under the federal Family and Medical Leave Act of 1993, such
70 employee shall take leave pursuant to the federal Family and Medical Leave Act of 1993.
71 Nothing in this Code section shall be construed to provide additional leave to an employee
72 for the purposes contained in subsection (b) of this Code section if the employee is eligible
73 for leave for such purposes under the federal Family and Medical Leave Act of 1993.
- 74 (h)(1) It shall be unlawful for any employer or the agent of such employer to discharge,
75 discipline, or otherwise penalize an eligible employee because such employee requests
76 or takes leave pursuant to this Code section. It shall be unlawful for any employer or the
77 agent of such employer to threaten to take or to communicate an intention to take any
78 action declared to be unlawful under this paragraph.
- 79 (2) Any employer or agent of such employer who violates paragraph (1) of this
80 subsection shall be liable to the injured employee for all actual damages incurred by such
81 employee and for reasonable attorney's fees incurred by such employee in asserting a
82 successful claim under this subsection."

83 **SECTION 3.**

84 All laws and parts of laws in conflict with this Act are repealed.