

BILL ANALYSIS

Senate Research Center

H.B. 2063
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2017, the City of El Paso established a shared parental leave policy under which city employees donate unused leave time into a pool to be used by new parents after exhausting their own personal leave balances. There have been calls for a similar policy to be adopted for state agencies since many state employees have family care needs that do not fall under the allowable uses for existing sick leave pools or the federal Family and Medical Leave Act of 1993.

H.B. 2063 seeks to answer those calls by establishing a state employee family leave pool to provide eligible state employees more flexibility in bonding with and caring for children during a child's first year following birth, adoption, or foster placement and in caring for a seriously ill family member or the employee.

H.B. 2063 amends current law relating to the establishment of a state employee family leave pool.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the governing body of a state agency in SECTION 1 (Section 661.022, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 661, Government Code, by adding Subchapter A-1, as follows:

SUBCHAPTER A-1. STATE EMPLOYEE FAMILY LEAVE POOL

Sec. 661.021. **PURPOSE.** Provides that the purpose of the state employee family leave program (program) is to:

- (1) provide eligible state employees more flexibility in:
 - (A) bonding with and caring for children during a child's first year following birth, adoption, or foster placement; and
 - (B) caring for a seriously ill family member or the employee, including pandemic-related illnesses or complications caused by a pandemic; and
- (2) allow employees to apply for leave time under the family leave pool.

Sec. 661.022. **GUIDELINES.** (a) Requires the governing body of a state agency to, through the establishment of a program, allow an agency employee to voluntarily transfer sick or vacation leave earned by the employee to a family leave pool.

- (b) Requires the executive head of the state agency or another individual appointed by the governing body to administer the family leave pool.
- (c) Requires the governing body of the state agency to adopt rules and prescribe procedures relating to the operation of the agency family leave pool.

Sec. 661.023. CONTRIBUTION TO FAMILY LEAVE POOL. (a) Authorizes a state employee to contribute to the family leave pool one or more days of the employee's accrued sick or vacation leave.

(b) Requires the pool administrator to credit the family leave pool with the amount of time contributed by a state employee and deduct a corresponding amount of time from the employee's earned sick or vacation leave as if the employee had used the time for personal purposes.

(c) Authorizes a retiring state employee to designate the number of the retiring employee's accrued sick or vacation leave hours to be used for retirement credit and the number of the retiring employee's accrued sick or vacation leave hours to be donated on retirement to the sick or family leave pool.

Sec. 661.024. USE OF TIME IN POOL. (a) Provides that a state employee is eligible to use time contributed to the family leave pool of the state agency that employs the employee if the employee has exhausted the employee's eligible compensatory, discretionary, sick, and vacation leave because of:

(1) the birth of a child;

(2) the placement of a foster child or adoption of a child under 18 years of age;

(3) the placement of any person 18 years of age or older requiring guardianship;

(4) a serious illness to an immediate family member or the employee, including a pandemic-related illness;

(5) an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or

(6) a previous donation of time to the pool.

(b) Requires a state employee who applies to use time under Subsection (a) to care for another person to submit and be listed on the other person's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent, or provide documentation that the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.

Sec. 661.025. WITHDRAWAL OF TIME FROM POOL. (a) Authorizes a state employee to apply to the pool administrator for permission to withdraw time from the family leave pool.

(b) Requires the employee to provide the pool administrator with a written statement from the licensed practitioner who is treating the employee or the employee's immediate family member if the state employee is seeking permission to withdraw time because of a serious illness, including a pandemic-related illness, of an immediate family member or the employee and does not qualify for or has exhausted time available in the sick leave pool,

(c) Requires the employee, if the state employee is seeking permission to withdraw time because of an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member, to provide any applicable documentation, including an essential caregiver designation, proof of closure of a school or daycare, or other appropriate documentation.

(d) Requires the administrator, if the pool administrator determines the state employee is eligible to approve the transfer of time from the pool to the employee and credit the time to the employee.

Sec. 661.026. LIMITATION ON WITHDRAWALS. (a) Prohibits a state employee from withdrawing time from the family leave pool in an amount that exceeds the lesser of one-third of the total time in the pool or 90 days.

(b) Requires the pool administrator, subject to Subsection (a), to determine the amount of time that an employee may withdraw from the pool.

Sec. 661.027. EQUAL TREATMENT. Authorizes a state employee absent while using time withdrawn from the family leave pool to use the time as sick leave earned by the employee. Requires the employee to be treated for all purposes as if the employee is absent on earned sick leave.

Sec. 661.028. NO ENTITLEMENT TO ESTATE. Provides that the estate of a deceased state employee is not entitled to payment for unused time withdrawn by the employee from the family leave pool.

SECTION 2. Effective date: September 1, 2021.