

AN ACT

relating to the establishment of a state employee family leave pool.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 661, Government Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. STATE EMPLOYEE FAMILY LEAVE POOL

Sec. 661.021. PURPOSE. The purpose of the state employee family leave 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) The governing body of a state agency shall, 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) The executive head of the state agency or another

1 individual appointed by the governing body shall administer the  
2 family leave pool.

3 (c) The governing body of the state agency shall adopt rules  
4 and prescribe procedures relating to the operation of the agency  
5 family leave pool.

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

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

14 (c) A retiring state employee may designate the number of  
15 the retiring employee's accrued sick or vacation leave hours to be  
16 used for retirement credit and the number of the retiring  
17 employee's accrued sick or vacation leave hours to be donated on  
18 retirement to the sick or family leave pool.

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

24 (1) the birth of a child;

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

27 (3) the placement of any person 18 years of age or

1 older requiring guardianship;

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

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

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

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

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

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

26 (c) If the state employee is seeking permission to withdraw  
27 time because of an extenuating circumstance created by an ongoing

1 pandemic, including providing essential care to a family member,  
2 the employee must provide any applicable documentation, including  
3 an essential caregiver designation, proof of closure of a school or  
4 daycare, or other appropriate documentation.

5 (d) If the pool administrator determines the state employee  
6 is eligible, the administrator shall:

7 (1) approve the transfer of time from the pool to the  
8 employee; and

9 (2) credit the time to the employee.

10 Sec. 661.026. LIMITATION ON WITHDRAWALS. (a) A state  
11 employee may not withdraw time from the family leave pool in an  
12 amount that exceeds the lesser of:

13 (1) one-third of the total time in the pool; or

14 (2) 90 days.

15 (b) Subject to Subsection (a), the pool administrator shall  
16 determine the amount of time that an employee may withdraw from the  
17 pool.

18 Sec. 661.027. EQUAL TREATMENT. A state employee absent  
19 while using time withdrawn from the family leave pool may use the  
20 time as sick leave earned by the employee. The employee shall be  
21 treated for all purposes as if the employee is absent on earned sick  
22 leave.

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

26 SECTION 2. This Act takes effect September 1, 2021.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2063 was passed by the House on May 5, 2021, by the following vote: Yeas 135, Nays 10, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2063 was passed by the Senate on May 27, 2021, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor