

BILL ANALYSIS

C.S.H.B. 334
By: Ordaz
Intergovernmental Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that county employees currently have limited options when they need to take a leave of absence from work to give birth, take care of a sick family member, or complete the adoption or foster placement process and that these employees are often required to take unpaid leave or return to work before the employee or their family is ready. Further, El Paso County has requested the authority to create an optional family leave pool program to allow county employees to voluntarily transfer their sick or vacation leave time to the pool for use by other county employees, which are options state employees have but county employees lack under current state law. C.S.H.B. 334 seeks to address these issues and afford these opportunities to county employees by granting counties the authority to create a county employee family leave pool program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 334 amends the Local Government Code to grant counties the authority to create a county employee family leave pool program.

Establishment of County Employee Family Leave Pool Program

C.S.H.B. 334 authorizes the commissioners court of a county by order to establish a program to allow an employee of the county to voluntarily transfer sick or vacation leave time earned by the employee to a county employee family leave pool. The bill requires the program to create a county employee family leave pool and at a minimum comply with the bill's provisions. The bill requires the county judge of a county in which such a program is established to serve as the pool administrator of the family leave pool for the county or appoint an individual to serve as the pool administrator.

Contribution to Family Leave Pool

C.S.H.B. 334 authorizes a county employee to contribute to the family leave pool of the county that employs the employee one or more days of the employee's accrued sick or vacation leave. The bill requires the pool administrator for a county to credit the county's family leave pool with the amount of time contributed by a county 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. The bill authorizes a retiring county 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 these hours to be donated on retirement to the family leave pool of the county that employs the retiring employee.

Use of Time in Pool

C.S.H.B. 334 makes a county employee eligible to use time contributed to the family leave pool of the county that employs the employee if the employee has exhausted their eligible compensatory, discretionary, sick, and vacation leave because of one of the following reasons:

- the birth of a child;
- the placement of a foster child or adoption of a child under 18 years of age;
- the placement of any person 18 years of age or older requiring guardianship;
- a serious illness to an immediate family member or the employee, including a pandemic-related illness;
- an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or
- a previous donation of time to the pool.

The bill requires a county employee who applies to use time contributed to the family leave pool 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 spouse of the child's mother, father, 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.

Withdrawal of Time From Pool

C.S.H.B. 334 authorizes a county employee to apply to the pool administrator for the county that employs the employee for permission to withdraw time from the county's family leave pool. The bill sets out the following requirements relating to documentation for certain withdrawals:

- a requirement for a county employee who applies to withdraw time because of a serious illness, including a pandemic-related illness, of the employee or an immediate family member of the employee and does not qualify for or has exhausted time available in the sick leave pool of the county that employs the employee, if applicable, to provide the county's pool administrator with a written statement from the licensed practitioner who is treating the employee or the employee's immediate family member; and
- a requirement for a county employee who applies 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 to the pool administrator for the county that employs the employee.

The bill requires a pool administrator who determines a county employee is eligible to withdraw time to approve the transfer of time from the county's family leave pool to the employee and credit the time to the employee.

Limitation on Withdrawals

C.S.H.B. 334 prohibits a county employee from withdrawing time from the family leave pool of the county that employs the employee in an amount that exceeds the lesser of 90 days or one-third of the total time in the pool. Subject to this limitation, the bill requires the pool administrator for a county to determine the amount of time that a county employee may withdraw from the county's family leave pool.

Equal Treatment

C.S.H.B. 334 authorizes a county employee absent while using time withdrawn from the family leave pool of the county that employs the employee to use the time as sick leave earned by the

employee and requires the employee to be treated for all purposes as if the employee is absent on earned sick leave.

No Entitlement to Estate

C.S.H.B. 334 establishes that the estate of a deceased county employee is not entitled to payment for unused time withdrawn by the employee from the family leave pool of the county that employs the employee.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 334 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute require a county employee who applies to use time contributed to the family leave pool 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. However, the substitute replaces the specification in the introduced that being listed on one of these documents includes being listed as the partner of the child's mother, father, adoptive parent, or foster parent with a specification that being listed on one of these documents includes being listed as the spouse of the child's mother, father, adoptive parent, or foster parent.