

By: Ordaz

H.B. No. 334

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a county employee family leave pool program.

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

SECTION 1. Chapter 157, Local Government Code, is amended by adding Subchapter E-1 to read as follows:

SUBCHAPTER E-1. COUNTY EMPLOYEE FAMILY LEAVE POOL PROGRAM

Sec. 157.081. DEFINITIONS. In this subchapter:

(1) "Family leave pool" means a county employee family leave pool created under a program.

(2) "Pool administrator" means the individual responsible for administering a family leave pool.

(3) "Program" means a county employee family leave pool program established under this subchapter.

Sec. 157.082. ESTABLISHMENT OF COUNTY EMPLOYEE FAMILY LEAVE POOL PROGRAM. (a) The commissioners court of a county by order may 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.

(b) A program established under this section must:

(1) create a county employee family leave pool; and
(2) at a minimum comply with the provisions of this subchapter.

(c) If a program is established for a county under this

1 section, the county judge of the county shall:

2 (1) serve as the pool administrator of the family
3 leave pool for the county; or

4 (2) appoint an individual to serve as the pool
5 administrator of the family leave pool for the county.

6 Sec. 157.083. CONTRIBUTION TO FAMILY LEAVE POOL. (a) A
7 county employee may contribute to the family leave pool of the
8 county that employs the employee one or more days of the employee's
9 accrued sick or vacation leave.

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

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

21 Sec. 157.084. USE OF TIME IN POOL. (a) A county employee is
22 eligible to use time contributed to the family leave pool of the
23 county that employs the employee if the employee has exhausted the
24 employee's eligible compensatory, discretionary, sick, and
25 vacation leave because of:

26 (1) the birth of a child;

27 (2) the placement of a foster child or adoption of a

1 child under 18 years of age;

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

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

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

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

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

18 Sec. 157.085. WITHDRAWAL OF TIME FROM POOL. (a) A county
19 employee may apply to the pool administrator for the county that
20 employs the employee for permission to withdraw time from the
21 county's family leave pool.

22 (b) A county employee who applies to withdraw time under
23 this section because of a serious illness, including a
24 pandemic-related illness, of the employee or an immediate family
25 member of the employee and does not qualify for or has exhausted
26 time available in the sick leave pool of the county that employs the
27 employee, if applicable, must provide the county's pool

1 administrator with a written statement from the licensed
2 practitioner who is treating the employee or the employee's
3 immediate family member.

4 (c) A county employee who applies to withdraw time under
5 this section because of an extenuating circumstance created by an
6 ongoing pandemic, including providing essential care to a family
7 member, must provide any applicable documentation, including an
8 essential caregiver designation, proof of closure of a school or
9 daycare, or other appropriate documentation to the pool
10 administrator for the county that employs the employee.

11 (d) If a pool administrator determines a county employee is
12 eligible to withdraw time under this section, the administrator
13 shall:

14 (1) approve the transfer of time from the county's
15 family leave pool to the employee; and

16 (2) credit the time to the employee.

17 Sec. 157.086. LIMITATION ON WITHDRAWALS. (a) A county
18 employee may not withdraw time from the family leave pool of the
19 county that employs the employee in an amount that exceeds the
20 lesser of:

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

22 (2) 90 days.

23 (b) Subject to Subsection (a), the pool administrator for a
24 county shall determine the amount of time that a county employee may
25 withdraw from the county's family leave pool.

26 Sec. 157.087. EQUAL TREATMENT. A county employee absent
27 while using time withdrawn from the family leave pool of the county

1 that employs the employee may use the time as sick leave earned by
2 the employee. The employee shall be treated for all purposes as if
3 the employee is absent on earned sick leave.

4 Sec. 157.088. NO ENTITLEMENT TO ESTATE. The estate of a
5 deceased county employee is not entitled to payment for unused time
6 withdrawn by the employee from the family leave pool of the county
7 that employs the employee.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2025.