1	CHAPTER 800. GENERAL ADMINISTRATION
2 3	ADOPTED RULES TO BE PUBLISHED IN THE TEXAS REGISTER. THIS
4	DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO
5	FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF SECRETARY OF
6	STATE.
7	
8	ON APRIL 12, 2022, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES
9	BELOW WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER.
10	
11	Publication Date of the Adoption in the <i>Texas Register</i> : April 29, 2022
12	The Rules are Effective: May 2, 2022
13	
14	The Texas Workforce Commission (TWC) adopts the following new subchapter to Chapter 800
15	relating to General Administration, without changes, to the proposed text as published in the
16	January 28, 2022, issue of the <i>Texas Register</i> (47 TexReg 253):
17	0.1.1 (D.E. 1 D. C. 2000.150 12000.151
18	Subchapter D. Employee Benefits, §800.150 and §800.151
19	DADT I DIDDOCE DACIZODOLIND AND ALITHODITY
20 21	PART I. PURPOSE, BACKGROUND, AND AUTHORITY The purpose of new Chapter 800, Subchapter D is to establish administrative rules relating to the
22	operation of TWC's sick and family leave pools.
23	operation of 1 we's sick and raining leave pools.
24	Senate Bill 248 from the 73rd Texas Legislature, Regular Session (1993) (codified as Texas
25	Government Code, §§661.001 - 661.008), established the sick leave pool. The sick leave pool is
26	for eligible state employees who have exhausted their sick and personal leave to cover time-and
27	leave absences for catastrophic and/or life-threatening illnesses and injuries for either the
28	employee or his or her approved family member.
29	
30	House Bill (HB) 2063 from the 87th Texas Legislature, Regular Session (2021) (codified as
31	Texas Government Code, §§661.021 - 661.028), established the family leave pool. The family
32	leave pool provides eligible state employees more flexibility in bonding with and caring for
33	children during a child's first year following birth, adoption, or foster placement; and for caring
34	for a seriously ill family member of the employee, including pandemic-related illnesses or
35	complications caused by a pandemic.
36	
37	PART II. EXPLANATION OF INDIVIDUAL PROVISIONS
38	CUD CULA DEED D. EMDI OMEE DENEEUEC
39	SUBCHAPTER D. EMPLOYEE BENEFITS TWO and a return of the least of the return D. and followers.
40	TWC adopts new Subchapter D, as follows:
41 42	§800.150. Sick Leave Pool
42	New §800.150 provides eligible employees with additional paid sick leave in documented cases
44	of a catastrophic or life-threatening illness or injury to the employee or the employee's
45	immediate family member.
46	minioulate raining member.
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§800.151. Family Leave Pool

- 2 New §800.151 provides eligible employees with additional family leave if they have exhausted
- 3 all eligible compensatory, discretionary, sick, and vacation leave due to certain situations, and
- 4 have provided proper documentation for using the family leave pool in extenuating
- 5 circumstances, such as an ongoing pandemic that would include providing care for a family
- 6 member. The family leave pool further provides eligible employees with the ability to apply for
- 7 leave time and more flexibility in bonding with and caring for children during a child's first year
- 8 following birth, adoption, or foster placement; or caring for a seriously ill family member of the
- 9 employee, including pandemic-related illnesses or complications caused by a pandemic.

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TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be within TWC's legal authority to adopt.

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PART III. PUBLIC COMMENTS

The public comment closed on February 28, 2022. No comments were received.

15 16 17

PART IV. STATUTORY AUTHORITY

- The rules are adopted under Texas Labor Code, §301.0015 and §302.002(d), which provide
- 19 TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the
- 20 effective administration of TWC services and activities.

21

The rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302.

1 2	CHAPTER 800. GENERAL ADMINISTRATION
3	SUBCHAPTER D. EMPLOYEE BENEFITS
4 5	§800.150. Sick Leave Pool.
6 7 8 9 10 11	(a) A sick leave pool is established to alleviate hardship caused to an employee and the employee's immediate family if a catastrophic injury or illness forces the employee to exhaust all eligible leave time earned by that employee and to lose compensation time from the state.
12	(b) The Agency's Director of Human Resources is designated as the pool administrator
13 14 15 16 17	(c) The pool administrator will recommend a policy, operating procedures, and forms for the administration of this section for approval by the Agency's Executive Director.
18 19	(d) Operation of the pool shall be consistent with Texas Government Code, Chapter 661.
20	
21 22	§800.151. Family Leave Pool.
23 24 25	(a) A family leave pool is established to provide state employees more flexibility. It is available to employees who have exhausted their eligible compensatory, discretionary, sick, and vacation leave because of:
26 27	(1) the birth of a child;
28 29	(2) the placement of a foster child or adoption of a child under 18 years of age;
30 31	(3) the placement of any person 18 years of age or older requiring guardianship;
32 33 34	(4) a serious illness including pandemic-related illness;
35 36 37	(5) an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or
38 39	(6) a previous donation to the pool.
40 41	(b) The Agency's Director of Human Resources is designated as the pool administrator
42 43 44	(c) The pool administrator will recommend a policy, operating procedures, and forms for the administration of this section for approval by the Agency's Executive Director.
45	

1 (d) Operation of the pool shall be consistent with Texas Government Code, Chapter 661.