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#### **CHAPTER 800. GENERAL ADMINISTRATION**

- ADOPTED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS
  DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO
  FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF SECRETARY OF
  STATE.
- 8 The Texas Workforce Commission (TWC) adopts the following new subchapter to Chapter 800, 9 relating to General Administration, *without* changes, to the proposed text as published in the
- January 28, 2022, issue of the *Texas Register* (47 TexReg 253):
- 10 11 12

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Subchapter D. Employee Benefits, §800.150 and §800.151

## 14 PART I. PURPOSE, BACKGROUND, AND AUTHORITY

- 15 The purpose of new Chapter 800, Subchapter D is to establish administrative rules relating to the 16 operation of TWC's sick and family leave pools.
- 17
- 18 Senate Bill 248 from the 73rd Texas Legislature, Regular Session (1993) (codified as Texas
- 19 Government Code, §§661.001 661.008), established the sick leave pool. The sick leave pool is
- 20 for eligible state employees who have exhausted their sick and personal leave to cover time-and-
- 21 leave absences for catastrophic and/or life-threatening illnesses and injuries for either the
- 22 employee or his or her approved family member.
- 23

24 House Bill (HB) 2063 from the 87th Texas Legislature, Regular Session (2021) (codified as

- 25 Texas Government Code, §§661.021 661.028), established the family leave pool. The family
- 26 leave pool provides 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 for caring
- for a seriously ill family member of the employee, including pandemic-related illnesses or
- 29 complications caused by a pandemic.
- 30

# PART II. EXPLANATION OF INDIVIDUAL PROVISIONS 32

## 33 SUBCHAPTER D. EMPLOYEE BENEFITS

- 34 TWC adopts new Subchapter D, as follows:
- 35

## 36 §800.150. Sick Leave Pool

- 37 New §800.150 provides eligible employees with additional paid sick leave in documented cases
- 38 of a catastrophic or life-threatening illness or injury to the employee or the employee's
- 39 immediate family member.
- 40

## 41 §800.151. Family Leave Pool

- 42 New §800.151 provides eligible employees with additional family leave if they have exhausted
- 43 all eligible compensatory, discretionary, sick, and vacation leave due to certain situations, and
- 44 have provided proper documentation for using the family leave pool in extenuating
- 45 circumstances, such as an ongoing pandemic that would include providing care for a family
- 46 member. The family leave pool further provides eligible employees with the ability to apply for

- 1 leave time and more flexibility in bonding with and caring for children during a child's first year
- 2 following birth, adoption, or foster placement; or caring for a seriously ill family member of the
- 3 employee, including pandemic-related illnesses or complications caused by a pandemic.
- 4
- 5 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be 6 within TWC's legal authority to adopt.
- 7

#### 8 PART III. PUBLIC COMMENTS

- 9 The public comment closed on February 28, 2022. No comments were received.
- 10

## 11 PART IV. STATUTORY AUTHORITY

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

15

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

1 2	<b>CHAPTER 800. GENERAL ADMINISTRATION</b>
3	SUBCHAPTER D. EMPLOYEE BENEFITS
4 5	<u> 8800.150. Sick Leave Pool.</u>
6	
7 8	(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
9	to exhaust all eligible leave time earned by that employee and to lose compensation
10 11	time from the state.
12	(b) The Agency's Director of Human Resources is designated as the pool administrator.
13 14	(c) The pool administrator will recommend a policy, operating procedures, and forms
14	for the administration of this section for approval by the Agency's Executive
16 17	Director.
17	(d) Operation of the pool shall be consistent with Texas Government Code, Chapter
19 20	<u>661.</u>
20 21	8800.151. Family Leave Pool.
22 23	(a) A femily leave need is established to mayide state employies more flevibility. It is
23 24	(a) A family leave pool is established to provide state employees more flexibility. It is available to employees who have exhausted their eligible compensatory,
25 26	discretionary, sick, and vacation leave because of:
20 27	(1) the birth of a child;
28	
29 30	(2) the placement of a foster child or adoption of a child under 18 years of age;
31	(3) the placement of any person 18 years of age or older requiring guardianship;
32 33	(4) a serious illness including pandemic-related illness;
34	······································
35 36	(5) an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or
37	
38 39	(6) a previous donation to the pool.
40	(b) The Agency's Director of Human Resources is designated as the pool administrator.
41 42	(c) The pool administrator will recommend a policy, operating procedures, and forms
43	for the administration of this section for approval by the Agency's Executive
44 45	Director.

(d) Operation of the pool shall be consistent with Texas Government Code, Chapter <u>661.</u>