

Chapter: Leave Benefits	Effective Date: 1/1/15
Title: Leave for Special Purposes	Page: 1 of 5
ACA: N/A	Replaces: PRS.28.17, 7/1/13

(a) **Policy.**

The Texas Juvenile Justice Department (TJJD) grants leave for special purposes in accordance with applicable state law.

(b) **Additional Resources.**

- (1) Emergency leave for a death in an employee's immediate family is granted in accordance with [PRS.28.11](#).
- (2) Emergency leave due to inclement weather, officially closed roadways, facility or office closings during emergency situations, or other good cause is granted in accordance with [PRS.28.13](#).

(c) **Definitions.**

For definitions of certain terms used in this policy, see the [PRS Glossary](#).

(d) **Coordination with Local Human Resources Administrators.**

Supervisors must coordinate the granting of all leave for special purposes with the employee's local human resources administrator (HRA). For employees assigned to the Austin Office and certain other offices and facilities specified by the human resources director, the agency's leave specialist serves as the local HRA for purposes of leave administration.

(e) **Miscellaneous Paid Leave.**

Leave for the following purposes is paid leave and is not charged against the employee's sick, holiday, compensatory, vacation, or overtime leave balances.

(1) **Volunteer Fire Fighters and Emergency Medical Services Volunteers.**

- (A) An employee who is a volunteer firefighter or an [emergency medical services volunteer](#) is entitled to a maximum of five days of paid leave in a fiscal year to attend fire service or emergency medical services training conducted by a state agency or institution of higher education.
- (B) The [chief local administrator \(CLA\)](#) may grant paid leave to an employee who is a volunteer firefighter or an emergency medical services volunteer for the purpose of allowing the employee to respond to emergency fire or medical situations.

(2) **Foster Parents.**

An employee who is a foster parent to a child under the conservatorship of the Texas Department of Family and Protective Services (DFPS) is entitled to paid leave to attend:

- (A) meetings held by DFPS regarding the foster child; and
- (B) admission, review, and dismissal (ARD) meetings held by a school district regarding the foster child.

(3) **Red Cross Disaster Service Volunteers.**

- (A) An employee who is a certified disaster service volunteer of the American Red Cross or who is in training to become such a volunteer is granted up to ten days of paid leave each fiscal year to participate in specialized disaster relief services if the leave is taken:
- (i) at the request of the American Red Cross;
 - (ii) with the authorization of the employee's CLA; and
 - (iii) with the approval of the governor.
- (B) The employee must provide documentation that he/she is included on the list of state employees eligible for such leave, which is maintained by the Texas Division of Emergency Management.

(4) **Assistance Dog Training for Employees with a Disability.**

An employee with a disability is entitled to up to ten days of paid leave in a fiscal year for the purpose of attending a training program to acquaint the employee with an assistance dog to be used by the employee.

(5) **Time Off to Vote.**

- (A) An employee is granted paid time off to vote in a national, state, or local election on an election day only when the following three conditions exist:
- (i) the employee has provided his/her supervisor with sufficient advance notice of the need to take time off to vote;

Note: Such notice is necessary to ensure coverage of work is arranged and to avoid undue operational disruption.
 - (ii) his/her scheduled work time begins:
 - (I) before the polls open; or
 - (II) less than two hours after the polls open; **and**
 - (iii) his/her scheduled work time ends:
 - (I) after the polls close; or
 - (II) less than two hours before the polls close.
- (B) When these conditions are met, the employee is granted the amount of leave that will ensure the employee has two hours between:
- (i) poll opening time and work start time; **or**
 - (ii) work end time and poll closing time.

Example: If the polls are open from 7 a.m. to 7 p.m. and an employee is scheduled to work from 6 a.m. to 6 p.m., the employee is granted three hours of paid leave at the start of the workday to have two hours to vote between 7 a.m. and 9 a.m. or one hour of paid leave at the end of the workday to have two hours to vote between 5 p.m. and 7 p.m..

- (C) If the employee chooses to request additional time off to allow more than two hours for voting, the employee must use other available leave.

(6) Organ or Bone Marrow Donors.

- (A) An employee is entitled to paid leave for the time necessary to serve as a bone marrow or organ donor. The leave may not exceed:
- (i) five days in a fiscal year to serve as a bone marrow donor; or
 - (ii) 30 days in a fiscal year to serve as an organ donor.
- (B) Requests for this leave must be made as far in advance as reasonably possible under the circumstances.
- (C) The employee must provide supporting medical certification to the local HRA.

(7) Donation of Blood.

An employee is granted sufficient paid leave to donate blood up to four times in a fiscal year if the employee:

- (A) obtains prior approval from his/her immediate supervisor; and
- (B) provides proof that he/she donated blood during the time off. If the employee does not provide proof that the time off was used for donating blood, the time is deducted from the employee's salary or accrued leave (if applicable), whichever the employee chooses.

(8) Amateur Radio Operators.

- (A) An employee holding an amateur radio station license issued by the Federal Communications Commission is granted paid leave not to exceed ten days each fiscal year to participate in specialized disaster relief services for the American Red Cross when the leave is taken:
- (i) with the authorization of the employee's CLA; and
 - (ii) with the approval of the governor.
- (B) The employee must provide documentation indicating that he/she is included on the list of state employees eligible for such leave, which is maintained by the Texas Division of Emergency Management.

(9) Court-Appointed Special Advocate (CASA) Volunteers.

An employee may be granted up to five hours of paid leave each month to participate in mandatory training or to perform volunteer services for CASA if the service does not present a conflict of interest with the employee's TJJD duties and responsibilities.

- (A) Conflicts of interest which may arise from an employee's service as a CASA volunteer include, but are not limited to, serving as the CASA volunteer for a youth under TJJD supervision. Therefore, an employee must:
- (i) not accept appointment to serve as a CASA volunteer for a current or former TJJD youth;
 - (ii) withdraw from serving as a CASA volunteer for a youth who becomes involved in a juvenile justice proceeding as an accused party; and
 - (iii) not claim to speak on behalf of TJJD if called to testify in a legal proceeding regarding the youth.

- (B) An employee must submit a written request for this leave to the CLA. The employee must also indicate that he/she would not be acting as a CASA volunteer for a current or former TJJD youth. The CLA must notify the local HRA if the leave is approved.

(10) **Reserve Law Enforcement Officers.**

An employee serving as one of the following reserve law enforcement officers is entitled to a maximum of five days of paid leave in a fiscal biennium to attend continuing education programs required by the Texas Commission on Law Enforcement to maintain his/her peace officer license:

- (A) reserve deputy sheriff for a county;
- (B) reserve deputy constable for a county;
- (C) a member of a municipality's police reserve force; or
- (D) a member of a volunteer police reserve force established by the navigation and canal commission of a navigation district.

(f) **Parental Leave (Non-FMLA).**

An employee is entitled to parental leave for the birth of his/her child or the adoption or foster care placement of a child under age three even if the employee does not meet the service requirements for Family and Medical Leave Act (FMLA) leave (i.e., the employee has less than 12 months of state service or has worked less than 1,250 hours in the preceding 12-month period).

- (1) The employee must provide proof of the event. For the birth of a child, a birth bracelet, hospital certificate, health care provider's statement, or birth certificate may be used as proof of the event.
- (2) Parental leave may not exceed 12 weeks. Special provisions apply when a husband and wife are both TJJD employees. The amount of parental leave taken by one spouse will count against the other spouse's parental leave entitlement.
- (3) Parental leave begins on the date of the birth of the employee's child or the date of adoption or foster care placement.
- (4) The employee must use available leave balances while on parental leave.
 - (A) [PRS.28.02](#) allows the employee to choose the order in which leave balances are used while on parental leave, with certain restrictions. PRS.28.02 also establishes the order of use if the employee does not make any elections. The following procedures establish when sick leave balances are available for use as parental leave.
 - (i) For the birth of a child, the mother may use sick leave for the amount of leave necessary to recover from pregnancy and childbirth. The father of the child may use sick leave as necessary to care for his spouse while she is recovering from labor and delivery. The medical documentation requirements for use of sick leave established by [PRS.28.07](#) apply.
 - (ii) For adoption or foster care placement of a child who is not ill, the mother or father may use up to six weeks of sick leave.
 - (iii) If the child is ill, the mother or father may use sick leave as necessary to care for the child. The medical documentation requirements for use of sick leave established by [PRS.28.07](#) apply.
 - (B) If some form of paid leave is not available for use in conjunction with parental leave, the parental leave is unpaid leave.
- (5) Parental leave may not be used intermittently.

(g) **Unpaid Leave for Representative Attending Employee Disciplinary Hearing.**

An employee acting as another employee's representative at an employee disciplinary hearing in accordance with [PRS.35.01](#) may be granted unpaid leave to attend the hearing during working hours if he/she:

- (1) has no available paid leave; and
- (2) provides sufficient notice to his/her supervisor of the need to take time off to attend the hearing.

(h) **Personal Unpaid Leave.**

Up to 30 [calendar days](#) of personal unpaid leave may be granted by the director of human resources or his/her designee when justified by compelling circumstances.

- (1) Personal unpaid leave may be requested only if all accumulated paid leave has been or will be exhausted. Personal unpaid leave should be requested prior to the exhaustion of all available leave.
 - (2) Personal unpaid leave is granted only if the employee's program area will not be adversely affected by the employee's absence.
 - (3) Upon receipt of a request for personal unpaid leave, the employee's supervisor must email his/her recommendation and the reasons for the recommendation to the CLA.
 - (4) Upon receipt of the recommendation, the CLA:
 - (A) indicates agreement or disagreement with the recommendation;
 - (B) emails his/her recommendation to the director of human resources or designee for a decision; and
 - (C) sends a copy of his/her recommendation to the local HRA.
 - (5) The director of human resources or designee indicates on the recommendation:
 - (A) whether personal unpaid leave is granted; and
 - (B) if granted, the beginning and end dates of the leave.
 - (6) If granted, the local HRA:
 - (A) completes a Personnel Action Request – Pay/Benefit Change form, [HR-002-D](#); and
 - (B) submits the completed form and the written approval to the centrally located leave specialist.
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