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| Chapter: Agency Management and Operations Subchapter: Miscellaneous Rule: Sick Leave Pool and Family Leave Pool Administration Statutes: Texas Government Code, Chapter 661, Subchapters A and A-1 | Effective Date: 5/16/23 Page: 1 of 2 Replaces: GAP.385.9981, 4/1/15 |
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RULE

(a) **Purpose.**

The purpose of this rule is to establish a sick leave pool and a family leave pool for Texas Juvenile Justice Department (TJJD) employees as mandated by Sections 661.002 and 661.022, Government Code.

(b) **General Provisions.**

- (1) The director of human resources is the pool administrator.
- (2) All contributions to the TJJD leave pools are voluntary.
- (3) The donating employee may not designate a specific employee to receive the donated hours.
- (4) The following provisions apply to employees who withdraw leave pool time that is beyond what they contributed.
 - (A) The pool administrator determines the number of hours that an employee may withdraw from the pool; however, the amount withdrawn may never exceed the lesser of:
 - (i) one-third of the total time in the pool; or
 - (ii) 90 days.
 - (B) An employee absent on time withdrawn from a leave pool may use the time as sick leave earned by the employee, and the employee is treated for all purposes as if the employee were absent on earned sick leave.
 - (C) The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from a leave pool.

(c) **Sick Leave Pool Provisions.**

- (1) The donating employee may donate one or more days of the employee's accrued sick leave to the sick leave pool.
- (2) An employee is eligible to use time contributed to the sick leave pool if the employee's sick leave has been exhausted because of:
 - (A) a catastrophic illness or injury; or
 - (B) a previous donation of time to the pool.
- (3) An employee may withdraw time from the sick leave pool that the employee did not contribute only if the employee or an immediate family member suffers a catastrophic illness or injury.

(d) **Family Leave Pool Provisions.**

- (1) The donating employee may donate one or more days of the employee's accrued sick or vacation leave to the family leave pool.

- (2) An employee is eligible to withdraw time from the family leave pool because of:
- (A) the birth of a child;
 - (B) the placement of a foster child or adoption of a child under 18 years of age;
 - (C) the placement of any person 18 years of age or older requiring guardianship;
 - (D) a serious illness to an immediate family member or the employee, including a pandemic-related illness;
 - (E) an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or
 - (F) a previous donation of time to the pool.
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For implementation procedures, see [PRS Chapter 28](#).