

1. Title

Family Leave Pool

2. Rule and Regulation

Sec. 1 Introduction. Pursuant to *Texas Government Code* [Section 661.022](#), the Board of Regents is required to establish a program to allow a University of Texas System employee to voluntarily transfer previously earned sick or vacation leave to a family leave pool and is required to adopt rules and prescribe procedures relating to the operation of the pool. All institutions of the U. T. System shall establish and maintain a family leave pool except for those institutions which are exempt under *Texas Education Code* [Section 51.961](#), due to the adoption of a comprehensive leave policy.

The purpose of the state employee family leave program is to:

- (1) provide eligible employees more flexibility in:
 - (A) bonding with and caring for children during a child's first year following birth, adoption, or foster placement; and
 - (B) caring for a seriously ill family member or the employee, including pandemic-related illnesses or complications caused by a pandemic; and
- (2) allow employees to apply for leave time under the family leave pool.

Sec. 2 Family Leave Pool Administrator. The Chancellor, or his or her designee, shall administer the U.T. System Administration family leave pool.

The president, or his or her designee, shall administer the family leave pool at each U. T. institution.

Each designated administrator shall adopt forms and procedures appropriate for administration of this Rule.

Sec. 3 Family Leave Pool. Each family leave pool shall consist of the sick and vacation leave voluntarily contributed by employees.

- 3.1 Contributions. Contributions to each pool must be in units of eight (8) hours. Employees are permitted to contribute an unlimited number of hours to a family leave pool.

A retiring employee has the option to contribute accrued sick or vacation leave hours to a family leave pool as well as designate accrued sick or vacation leave to be used for retirement credit. A retiring employee has discretion to designate the amount of accrued leave to be used for each purpose.

- 3.2 Crediting of Family Leave. Each pool administrator shall credit the family leave pool with the amount of time contributed by an employee and shall direct the appropriate office to deduct a corresponding amount from that employee's earned sick or vacation leave as if the employee had used the time for personal purposes.

- 3.3 Non-designation of Use. Sick or vacation leave contributed to a pool may not be designated for the use of a particular person.

Sec. 4 Withdrawal of Leave.

- 4.1 Eligibility. An employee is eligible to use time contributed to a family leave pool if the employee has exhausted the employee's eligible compensatory, discretionary, sick, and vacation leave because of:

- (1) the birth of a child;
- (2) the placement of a foster child or adoption of a child under 18 years of age;
- (3) the placement of any person 18 years of age or older requiring guardianship;
- (4) a serious illness to an immediate family member or the employee, including a pandemic-related illness;
- (5) an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or
- (6) a previous donation of time to the pool.

If a pool administrator determines an employee is eligible, the administrator shall approve the transfer of time from the pool to the employee and credit the time to the employee.

4.2 Applications for Withdrawal of Leave.

An employee may apply to a pool administrator for permission to withdraw time from the family leave pool. Applications must be submitted on the form prescribed by the pool administrator.

Each pool administrator will consider applications in the order in which they are received and will approve or deny an application as soon as practicable after receipt.

4.3 Required Documentation.

An employee who applies to use time to care for another person under 4.1(1)-(3) must submit and be listed on the other person's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent or must provide documentation that the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.

If an employee is seeking permission to withdraw time because of a serious illness, including a pandemic-related illness, of an immediate family member or the employee and does not qualify for or has exhausted time available in the sick leave pool, the employee must provide the pool administrator with a written statement from the licensed practitioner who is treating the employee or the employee's immediate family member.

If an employee is seeking permission to withdraw time because of an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member, the employee must provide any applicable documentation, including an essential

caregiver designation, proof of closure of a school or daycare, or other appropriate documentation.

- 4.4 Amount Assigned. In determining the amount of family leave to be assigned to an eligible employee from a pool, the pool administrator shall take into consideration the information contained in the employee's application, the number of applications then pending, and the amount of family leave available in the pool.

The decision of the administrator regarding withdrawals from the family leave pool shall be final.

In no event shall the family leave allocated to an eligible employee from the pool exceed ninety (90) days or one-third (1/3) of the family leave pool balance, whichever is less.

Upon approval of an employee's application, the pool administrator shall notify the appropriate institution office of the amount of family leave to be assigned to the employee.

- 4.5 Equal Treatment. The employee may use family leave assigned from the pool in the same manner as sick leave earned by the employee and shall be treated for all purposes as if the employee were absent on earned sick leave.
- 4.6 Deceased Employees. The estate of a deceased employee shall not be entitled to payment for unused sick leave assigned from a pool.

3. Definitions

Employee - an eligible employee of the U. T. System or any of the institutions. An eligible employee is defined as employed for at least 20 hours per week for a period of at least four and one-half months, and not employed in a position for which student status is required as a condition of the employment.

4. Relevant Federal and State Statutes

Texas Government Code, [Section 661.022](#) – State Employee Family Leave Pool

Texas Education Code [Section 51.961](#) – Leave Provisions for Employees

5. Relevant System Policies, Procedures, and Forms

Regents' *Rules and Regulations*, [Rule 30203](#) – Sick Leave Pool

6. Who Should Know

Employees

7. System Administration Office(s) Responsible for Rule

Office of Talent and Innovation

8. Dates Approved or Amended

August 19, 2021

9. Contact Information

Questions or comments regarding this Rule should be directed to:

- bor@utsystem.edu