



## **Family Leave Pool**

### **Purpose**

The university maintains a family leave pool to benefit certain regular employees who have need for additional leave due to an eligible family leave need.

### **Persons Affected**

This applies to all regular employees.

### **Definitions**

Regular employee: is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition of employment.

Immediate Family: is defined as those individuals related by kinship, adoption, or marriage, or foster children who are so certified by the Texas Health and Human Services Commission who are living in the same household. If not in the same household, an immediate family member is strictly limited to the employee's spouse, child or parent; and minor children regardless of whether they live in the same household.

### **Policy**

The purpose of the family leave pool 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.
2. allow employees to apply for leave time under the family leave pool.

### **Procedures**

Employees may voluntarily transfer previously earned sick or vacation leave to the family leave pool.

#### **Contributing to the Family Leave Pool**

1. An employee with accrued sick leave or vacation leave may contribute to the family leave pool in increments of eight hours, with the exception of a retiring employee who may contribute applicable accrued leave in increments of less than eight hours.
2. Eligible leave contributed to the pool reduces the accrued leave balance(s) of the employee making the contribution.
3. Contributions to the pool are strictly voluntary.



4. An employee contributing eligible leave to the family leave pool may not stipulate who is to receive the contribution.
5. The pool administrator will credit the family leave pool with the amount of time contributed by an employee and direct the appropriate office to deduct a corresponding amount from that employee's earned sick or vacation leave as if the employee has used the time for personal purposes.

#### Requesting Leave from the Family Leave Pool

1. 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:
  - the birth of a child;
  - the placement of a foster child or adoption of a child under 18 years of age;
  - the placement of any person 18 years of age or older requiring guardianship;
  - a serious illness to an immediate family member or the employee, including a pandemic-related illness;
  - an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or
  - a previous donation of time to the pool.
2. An employee may apply to the pool administrator to request an award from the family leave pool. Applications must be submitted on the form provided by the pool administrator.
3. The 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. 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.
5. An employee who applies to use time to care for another person under this policy 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.
6. 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.
7. 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.



#### Administration of the Family Leave Pool

1. The pool administrator in the Human Resources Department is responsible for the administration of the family leave pool. Decisions of the pool administrator may be appealed to the vice president for finance and administration.
2. In determining the amount of family leave to be awarded to an eligible employee from the family leave 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.
3. In no event shall the family leave awarded 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.
4. Upon approval of an employee's application, the pool administrator shall notify the appropriate office of the amount of family leave to be awarded to the employee.
5. The employee may use family leave awarded 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.
6. The estate of a deceased employee shall not be entitled to payment for unused sick leave awarded from the family leave pool.

#### **Related Statutes or Regulations, Rules, Policies, or Standards**

Tex. Gov't Code § 661.022  
Tex. Educ. Code § 51.961

Regents' *Rules and Regulations*, Rule 30204, Family Leave Pool

SFA HOP 03-501 Family and Medical Leave

#### **Responsible Executive**

Vice President for Finance and Administration

#### **Forms**

Application for Family Leave Pool (available from Human Resources)

#### **Revision History**

September 1, 2023 (original)