

# Family Leave Pool

## Purpose

To provide qualifying TRS employees who have exhausted their paid leave with an opportunity to continue to receive pay during their time of need.

**NOTE:** This is a new provision and additional guidance will be received from the Comptroller of Public Accounts. TRS will adjust accordingly.

## Applies To

All TRS employees

## General Statement

TRS administers donation leave programs to assist employees **who have exhausted all forms of accrued paid leave** available to them due to experiencing a medical or major qualifying life event.

Effective September 1, 2021, TRS established a family leave pool, to be funded by voluntary donations of **vacation** or **sick** leave hours. Eligible employees may request leave from this pool to:

- bond with and care for children during a child's first year following birth, adoption, or foster placement; or
- care for themselves or a seriously ill immediate family member (including pandemic-related illnesses or complications caused by a pandemic).

Time used from the Family Leave Pools will run concurrently with Parental Leave or Family Medical Leave Act as applicable.

If an employee exhausts all available leave under the family leave pool and still meets eligibility requirements, they may receive authorization to take leave without pay.

## Definitions

### Immediate Family Member

For family leave, sick leave, sick leave pool, and extended sick leave purposes, immediate family includes the following:

- an individual who is related to the employee by kinship, adoption, or marriage and who resides in the employee's household;
- a foster child who is under the conservatorship of the Department of Family and Protective Services, who is in the employee's care, and who resides in the employee's household;

- a minor child of the employee, regardless of whether the child and employee reside in the same household; and
- an individual who is the employee's spouse, child, or parent and who requires care and assistance for a documented medical condition but who does not reside in the employee's household.

### Licensed Medical Practitioner

A licensed medical practitioner is a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of their license.

### Workplace Accommodations Coordinator

The workplace accommodations coordinator is an employee in Organizational Excellence (OE) who manages special leave, including family leave pool, sick leave pool, FMLA, extended sick leave, and workers' compensation.

## Eligibility

TRS employees who have **six continuous months of state service and exhausted their accrued compensatory, discretionary, sick, and vacation leave** may apply for the family leave pool for the following qualifying events:

- 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; or
- an extenuating circumstance created by an ongoing pandemic, including providing essential care to an immediate family member;
- or previous donation of time to the pool.

## Donating

**Donations to the family leave pool are strictly voluntary.** Any employee may donate an unlimited amount of accrued sick or vacation leave hours to the family leave pool in increments of eight hours, if the donation does not cause the employee's sick leave balance to fall below 80 hours.

Donated hours will be credited to the family leave pool and deducted from the donating employee's earned sick or vacation leave balance. A retiring employee may designate the number of hours they wish to donate to the family leave pool.

Employees interested in donating hours to the pool must submit the *Sick Leave Contribution* form (PER 35) to the workplace accommodations coordinator.

Donating leave to the Family Leave Pool may be taxable to the employee who makes the donation. Consult your tax professional to determine how your donation to this pool, or use of leave from this pool, will impact your income and tax liability.

## Requesting Hours

Before requesting time from the family leave pool, employees must consult the workplace accommodations coordinator to determine if other forms of leave are available (e.g., extended sick leave or sick leave pools). To request hours from the family leave pool, employees must submit the following to the workplace accommodations coordinator, as applicable:

- Special Leave Request form (TRS116) signed by their manager.
- Birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, showing the employee as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent.
- Documentation that the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.
- Written statement from a medical provider who is treating the employee, or the employee's immediate family member to support the existence of a serious illness, including a pandemic-related illness.
- Any applicable documentation, including an essential caregiver designation, proof of closure of a school or daycare, or other appropriate documentation to support an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member.

**IMPORTANT:** Employees must submit medical documentation directly to the workplace accommodations coordinator, not their manager.

The employee's prior use and exhaustion of accrued leave and whether the employee is currently on a corrective action will be considered in determining whether the request for leave from the family leave pool will be approved or denied. Leave will be granted at the discretion of the Executive Director (or designee) in consultation with the Chief Organizational Excellence Officer (or designee). The workplace accommodations coordinator will notify employees in writing whether their request was approved or denied, and the number of hours approved to be transferred from the family leave pool and credited to their leave balance. Unused hours are returned to the family leave pool.

In the event of the death of an employee who is using Family Leave Pool hours, no payment for unused hours will be made to the estate of the deceased employee.

## Limitations on Withdrawals

Employees may not withdraw time from the Family Leave Pool in an amount that exceeds the lesser of:

- one-third of the total time in the pool; or
- 90 days.

The workplace accommodations coordinator will determine the amount of time that an employee may withdraw from the pool.

## **Confidentiality of Medical Information**

As required by law, the workplace accommodations coordinator maintains all employee medical records in confidential files separate from employee personnel files. No medical documentation may be kept in department/division files.

## **Equal Treatment**

Employees who are absent on leave from the family leave pool shall be treated for all purposes as if they are absent on accrued leave.

## **Violations**

Violations of TRS or division attendance, work hours, or leave policies may result in corrective action, up to and including termination of employment.

If a manager suspects an employee of abusing leave, the manager should contact the Employee Relations staff in Organizational Excellence for advice and additional information.

## **Exceptions**

Exceptions to this policy can be made on a case-by-case basis by the executive director or designee.

*This policy does not constitute a contract, a promise or guarantee of employment, or a guarantee of access to TRS premises or information resources, as applicable, and may be modified, superseded, or eliminated by TRS without notice to the employee.*