

SUBJECT: Requiring state agencies to establish a state employee family leave pool

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 12 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter, P. King, Metcalf, Raymond, Shaheen, Slawson, Smithee

0 nays

1 absent — Lucio

WITNESSES: For — Tyler Sheldon, Texas State Employees Union; Ray Hymel, Texas Public Employees Association; (*Registered, but did not testify*: Joe Hamill, AFSCME Texas Corrections; Kevin Stewart, American Association of University Women - Texas Chapter; Rene Lara, Texas AFL-CIO; Stephanie Gharakhanian, Workers Defense Action Fund)

Against — None

On — Rob Coleman, Texas Comptroller of Public Accounts

BACKGROUND: Government Code ch. 661, subch. A governs state employee sick leave pools.

Interested parties note that many state employees have family care needs that do not fall under the allowable uses for existing sick leave pools or the federal Family and Medical Leave Act of 1993.

DIGEST: CSHB 2063 would establish the state employee family leave program, allowing state employees to apply for leave time under a family leave pool.

Under the bill, the governing body of a state agency would have to, through the establishment of a program, allow an agency employee to voluntarily transfer sick or vacation leave earned by the employee to a family leave pool.

The executive of the state agency or another individual appointed by the governing body would administer the family leave pool. The governing body would have to adopt rules and prescribe procedures relating to the operation of the agency family leave pool.

Contribution. The bill would allow a state employee to contribute to the family leave pool one or more days of accrued sick or vacation leave. The pool administrator would have to credit the pool with the amount of time contributed by a state employee and deduct a corresponding amount of time from the employee's earned sick or vacation leave as if the employee had used the time for personal purposes.

The bill would specify procedures by which retiring state employees could designate accrued leave hours for donation to the pool.

Use of time. A state employee would be eligible to use time contributed to their state agency's family leave pool if the employee had 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 younger than 18 years of age;
- the placement of any person at least 18 years of age 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.

The bill would require state employees who applied to use time to care for certain persons to submit specified documentation.

Withdrawal. Under the bill, a state employee could request permission

from the pool administrator to withdraw time from the family leave pool through specified procedures. If the administrator determined the state employee was eligible, the administrator would have to approve the transfer of time from the pool to the employee and credit the time to the employee.

Limitation. A state employee could not withdraw time from the family leave pool in an amount that exceeded the lesser of:

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

The bill would require the pool administrator to determine the amount of time that an employee could withdraw from the pool.

Other provisions. A state employee absent while using time withdrawn from the family leave pool could use the time as earned sick leave. The employee would have to be treated for all purposes as if the employee was absent on earned sick leave.

The estate of a deceased state employee would not be entitled to payment for unused time withdrawn by the employee from the family leave pool.

The bill would take effect September 1, 2021.