

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Family Leave Pool

**Regulation and Procedure
Number: URP: 05.523**

Policy Owner: Finance and Administration

POLICY STATEMENT

This University Regulation and Procedure ("URP") outlines the Texas Woman's University ("TWU") guidelines for the operation of the Family Leave Pool program in compliance with state law. The purpose of the Family Leave Pool program is to provide eligible employees more flexibility in bonding with and caring for children during a child's first year following birth, adoption, or foster placement and caring for a seriously ill family member or the Employee, including pandemic-related illnesses or complications caused by a pandemic. The Family Leave Pool program allows employees to apply for leave time under the Family Leave Pool.

APPLICABILITY

This policy is applicable to TWU Employees.

DEFINITIONS

1. "Baby Bonding Time" means the bonding and caring for children during a child's first year following birth, adoption, or foster placement. For example, for an employee who requests twelve (12) weeks of leave for childbirth and baby bonding, a healthcare provider will typically require a recovery period from childbirth of six (6) weeks, and the remaining weeks of leave are not medically necessary but are an important period for a child to bond with their family. This distinction is important, as employees of state agencies may utilize sick leave for the medically restricted period of parental leave, but the baby bonding time is not a permissible use of sick leave. Family Leave Pool hours may be used for baby bonding time.
2. "Donor" means an eligible employee who voluntarily gives a portion of their accrued sick or vacation leave to the Family Leave Pool.
3. "Employee" for purposes of this policy, means an individual who accrues sick leave, is employed by TWU to work at least twenty (20) hours per week for a period of at least four and one-half (4 ½) months and is not

employed in a position for which the Employee is required to be a student as a condition of the employment.

4. "Health Care Provider" means individuals licensed or authorized to practice under applicable federal and state laws and is performing within the scope of their practice as defined under such laws such as
 - a. A doctor of medicine or osteopathy;
 - b. Any other individual determined by the Secretary of Labor to be capable of providing health care services, including podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives, clinical social workers, or Christian Scientist practitioners, listed with the First Church of Christ Scientists in Boston, Massachusetts; or
 - c. An individual listed above in either (a) or (b) who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and is performing within the scope of their practice.
5. "Immediate Family" means:
 - a. An individual who resides in the same household as the Employee and is related to the Employee by kinship, adoption, or marriage; a foster child of the Employee who resides in the same household as the Employee and who is under the conservatorship of the Texas Department of Protective and Regulatory Services; and a minor child of the Employee, regardless of whether the child lives in the same household.
 - b. A spouse, child, or parent of the employee who does not reside in the same household but who needs care and assistance as a direct result of a documented medical condition.
6. "Medical Emergency" means as a major illness or other medical condition that requires a prolonged absence from work (40 hours), including intermittent absences that are related to the same illness or condition
7. "Pool Administrator" means the person(s) appointed by the governing body of TWU to administer the Family Leave Pool hours.

8. "Recipient" means an eligible employee who has been approved for an award of hours from the Family Leave Pool.
9. "Sick Leave Donation" means a bank of donated sick leave transferred from eligible employees to another eligible employee within Texas Woman's University who has exhausted their own sick leave accruals, including any time the Employee may be eligible to withdraw from the sick leave pool.
10. "Sick Leave Pool" means a bank of donated sick leave, which provides a source of additional sick leave to help employees and their families if a catastrophic illness or injury forces an employee to exhaust all paid leave and to lose compensation as a result.

REGULATION AND PROCEDURE

I. Family Leave Pool Limitations

- A. Leave utilizing hours received from the Family Leave Pool is not job-protected leave.
- B. Family Leave Pool hours cannot be applied retroactively. Hours donated can only be used for absences occurring after the recipient has the hours in their balance.
- C. Family Leave Pool hours will not:
 1. Transfer with an employee to another state agency or state institution of higher education.
 2. Be eligible for restoration upon re-employment after a separation of employment.
 3. Be eligible for payment upon separation or to an estate upon death.
 4. Be used to purchase service credit in the Teacher Retirement System of Texas with leave, even if unused on the last day of the Employee's employment.
 5. Be eligible to be used for employees who are on Workers Compensation.

II. Donating Hours to the Family Leave Pool

- A. Employees who wish to donate sick or vacation leave to the Family Leave Pool will complete the Family Leave Pool Donor Form and submit it to the Pool Administrator.

- B. The donating Employee is solely responsible for the tax consequences of donated leave to the Family Leave Pool, and all Employees are advised to consult their independent attorney, accountant, or tax professional regarding tax implication prior to donating leave.
- C. There is no maximum number of hours that an employee can donate to the Family Leave Pool.
- D. A regular part-time Employee may be granted Family Leave on a pro-rated basis.
- E. Once Family Leave Pool hours are donated it will no longer be the donor's property and will not be returned to the donor if the recipient is unable to use the donated sick or vacation leave. Donated sick or vacation leave will not be paid to the Estate, donated to the sick pool, transferred to another state agency, or transferred to another employee.

III. Receiving Hours from the Family Leave Pool

- A. Employees wishing to receive Family Leave Pool hours must complete a Family Leave Pool Application Form and submit it to the Pool Administrator.
- B. Receiving Family Leave Pool hours requires documented current need to use the hours.
- C. Recipients of Family Leave Pool hours must have exhausted all eligible compensatory leave, sick leave pool, sick and vacation leave to be eligible to withdraw from the Family Leave Pool.
- D. Recipients of Family Leave Pool hours will be subject to normal payroll withholding taxes in the same manner as using any type of paid leave.
- E. Recipients of Family Leave Pool hours can apply the hours to:
 - 1. The birth of a child;
 - 2. Bonding and caring for children in the first year after a child's birth;
 - 3. Placement in the first year of foster child or adoption of a child under eighteen (18) years of age;
 - 4. Placement in the first year of any person eighteen (18) years of age or older requiring guardianship;
 - 5. Serious illness of an immediate family member or the employee, including pandemic related illness;

6. An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member;
7. A previous donation of time to the Family Leave Pool when an Employee has exhausted their leave because of a prior donation to the pool.

F. Recipients of Family Leave Pool hours cannot:

1. Receive more hours than they need to be documented by their healthcare provider on the Family Leave Pool Health Care Provider Medical Certification.
2. Receive a number of Family Leave Pool hours greater than 1/3 the pool balance or 90 days (720 hours).
3. Receive a number of Family Leave Pool hours greater than 90 days (720 hours) total during their employment.

IV. Documentation Required to Request Family Leave Pool

A. For birth of a child:

1. Family Leave Pool Health Care Provider Medical Certification Form for employee or family member.

B. Bonding – in the first year after child's birth:

1. Birth certificate to verify use of bonding within first year.

C. Placement of foster child or adoption of a child under eighteen (18) years of age:

1. Adoption order.

D. Placement of any person eighteen (18) years of age or older requiring guardianship:

1. Placement order.

E. Serious illness of an immediate family member or the employee, including pandemic related illness:

1. Family Leave Pool Health Care Provider Medical Certification Form for employee or family member.

F. An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member:

1. Family Leave Pool Health Care Provider Medical Certification Form for employee or family member.
2. Proof of closure of school or daycare.
3. Persons listed as dependents on TWU employee insurance provided by the Employees Retirement System of Texas (“ERS”) will not require additional documentation of proof of relationship.
4. Persons not listed on TWU employee insurance provided by ERS will require documentation that establish the relationship. Acceptable documentation examples are provided in the ERS Dependent Eligibility Chart.

G. A previous donation of time to the Family Leave Pool:

1. No documentation as previous donations should be tracked and recorded.

V. Processing of Family Leave Pool Applications

A. Requests for Family Leave Pool will be considered by the Pool Administrator, through the appropriate supervisory channels, in the order in which they are received. In determining eligibility, the Pool Administrator will take into account the following:

1. Reason for the leave;
2. Submitted form and required documentation;
3. Length of service;
4. The number of applications then pending; and
5. The amount of Family Leave Pool hours available in the Family Leave Pool.

B. The Pool Administrator will approve all or part of the request or deny the request. Requests may be approved in up to a maximum of 240 hours per incident. This will be communicated to the Employee and their direct supervisor by email. The Pool Administrator's decision regarding withdrawals from the Family Leave Pool shall be final.

VI. Family Leave Pool Timekeeping and Recording Responsibilities

A. The Pool Administrator will credit the hours awarded to an employee's Family Leave Pool balance.

- B. Once added to the receiving Employee's balance, the Family Leave Pool hours will appear as "Family Leave."
- C. Employees shall record the use of Family Leave Pool time in the same manner as they record other eligible leave time.

VII. Equal Treatment

The employee may use leave assigned from the Family Leave 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.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

[Texas Government Code, Chapter 661, Section 661.022\(a\)](#)

[URP 05.525: Sick Leave Donation](#)

[URP 05.520: Sick Leave Pool](#)

FORMS AND TOOLS

[Family Leave Pool Application Form](#)

[Family Leave Pool Health Care Provider Medical Certification](#)

[Family Leave Pool Donor Form](#)

[Family Leave Pool Recipient Form](#)

[ERS Dependent Eligibility Chart](#)

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