

1-1 By: Ordaz Perez, et al. H.B. No. 2063  
 1-2 (Senate Sponsor - Schwertner)  
 1-3 (In the Senate - Received from the House May 5, 2021;  
 1-4 May 10, 2021, read first time and referred to Committee on Business  
 1-5 & Commerce; May 20, 2021, reported favorably by the following vote:  
 1-6 Yeas 9, Nays 0; May 20, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the establishment of a state employee family leave  
 1-21 pool.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 661, Government Code, is amended by  
 1-24 adding Subchapter A-1 to read as follows:

1-25 SUBCHAPTER A-1. STATE EMPLOYEE FAMILY LEAVE POOL

1-26 Sec. 661.021. PURPOSE. The purpose of the state employee  
 1-27 family leave program is to:

1-28 (1) provide eligible state employees more flexibility  
 1-29 in:

1-30 (A) bonding with and caring for children during a  
 1-31 child's first year following birth, adoption, or foster placement;  
 1-32 and

1-33 (B) caring for a seriously ill family member or  
 1-34 the employee, including pandemic-related illnesses or  
 1-35 complications caused by a pandemic; and

1-36 (2) allow employees to apply for leave time under the  
 1-37 family leave pool.

1-38 Sec. 661.022. GUIDELINES. (a) The governing body of a  
 1-39 state agency shall, through the establishment of a program, allow  
 1-40 an agency employee to voluntarily transfer sick or vacation leave  
 1-41 earned by the employee to a family leave pool.

1-42 (b) The executive head of the state agency or another  
 1-43 individual appointed by the governing body shall administer the  
 1-44 family leave pool.

1-45 (c) The governing body of the state agency shall adopt rules  
 1-46 and prescribe procedures relating to the operation of the agency  
 1-47 family leave pool.

1-48 Sec. 661.023. CONTRIBUTION TO FAMILY LEAVE POOL. (a) A  
 1-49 state employee may contribute to the family leave pool one or more  
 1-50 days of the employee's accrued sick or vacation leave.

1-51 (b) The pool administrator shall credit the family leave  
 1-52 pool with the amount of time contributed by a state employee and  
 1-53 deduct a corresponding amount of time from the employee's earned  
 1-54 sick or vacation leave as if the employee had used the time for  
 1-55 personal purposes.

1-56 (c) A retiring state employee may designate the number of  
 1-57 the retiring employee's accrued sick or vacation leave hours to be  
 1-58 used for retirement credit and the number of the retiring  
 1-59 employee's accrued sick or vacation leave hours to be donated on  
 1-60 retirement to the sick or family leave pool.

1-61 Sec. 661.024. USE OF TIME IN POOL. (a) A state employee is

2-1 eligible to use time contributed to the family leave pool of the  
 2-2 state agency that employs the employee if the employee has  
 2-3 exhausted the employee's eligible compensatory, discretionary,  
 2-4 sick, and vacation leave because of:

- 2-5 (1) the birth of a child;
- 2-6 (2) the placement of a foster child or adoption of a  
 2-7 child under 18 years of age;
- 2-8 (3) the placement of any person 18 years of age or  
 2-9 older requiring guardianship;
- 2-10 (4) a serious illness to an immediate family member or  
 2-11 the employee, including a pandemic-related illness;
- 2-12 (5) an extenuating circumstance created by an ongoing  
 2-13 pandemic, including providing essential care to a family member; or
- 2-14 (6) a previous donation of time to the pool.

2-15 (b) A state employee who applies to use time under  
 2-16 Subsection (a) to care for another person must submit and be listed  
 2-17 on the other person's birth certificate, birth facts, or adoption  
 2-18 or foster paperwork for a child under 18 years of age, including  
 2-19 being listed as the mother, father, adoptive parent, foster parent,  
 2-20 or partner of the child's mother, adoptive parent, or foster  
 2-21 parent, or provide documentation that the employee is the guardian  
 2-22 of a person who is 18 years of age or older and requiring  
 2-23 guardianship.

2-24 Sec. 661.025. WITHDRAWAL OF TIME FROM POOL. (a) A state  
 2-25 employee may apply to the pool administrator for permission to  
 2-26 withdraw time from the family leave pool.

2-27 (b) If the state employee is seeking permission to withdraw  
 2-28 time because of a serious illness, including a pandemic-related  
 2-29 illness, of an immediate family member or the employee and does not  
 2-30 qualify for or has exhausted time available in the sick leave pool,  
 2-31 the employee must provide the pool administrator with a written  
 2-32 statement from the licensed practitioner who is treating the  
 2-33 employee or the employee's immediate family member.

2-34 (c) If the state employee is seeking permission to withdraw  
 2-35 time because of an extenuating circumstance created by an ongoing  
 2-36 pandemic, including providing essential care to a family member,  
 2-37 the employee must provide any applicable documentation, including  
 2-38 an essential caregiver designation, proof of closure of a school or  
 2-39 daycare, or other appropriate documentation.

2-40 (d) If the pool administrator determines the state employee  
 2-41 is eligible, the administrator shall:

- 2-42 (1) approve the transfer of time from the pool to the  
 2-43 employee; and
- 2-44 (2) credit the time to the employee.

2-45 Sec. 661.026. LIMITATION ON WITHDRAWALS. (a) A state  
 2-46 employee may not withdraw time from the family leave pool in an  
 2-47 amount that exceeds the lesser of:

- 2-48 (1) one-third of the total time in the pool; or
- 2-49 (2) 90 days.

2-50 (b) Subject to Subsection (a), the pool administrator shall  
 2-51 determine the amount of time that an employee may withdraw from the  
 2-52 pool.

2-53 Sec. 661.027. EQUAL TREATMENT. A state employee absent  
 2-54 while using time withdrawn from the family leave pool may use the  
 2-55 time as sick leave earned by the employee. The employee shall be  
 2-56 treated for all purposes as if the employee is absent on earned sick  
 2-57 leave.

2-58 Sec. 661.028. NO ENTITLEMENT TO ESTATE. The estate of a  
 2-59 deceased state employee is not entitled to payment for unused time  
 2-60 withdrawn by the employee from the family leave pool.

2-61 SECTION 2. This Act takes effect September 1, 2021.

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