

31.06.03.D0.01 Family Leave Pool Administration



Approved: July 6, 2022

Revised:

Next Scheduled Review: July 6, 2027

Procedure Summary

The purpose of the procedure is to supplement System Regulation 31.03.03 *Family Leave Pool Administration*.

Definitions

Immediate family – an individual who resides in the same household as the employee and is related 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 Department of Protective and Regulatory Services; and a minor child of the employee, regardless of whether the child lives in the same household.

Procedure

1. ELIGIBILITY

Regular employees are eligible to contribute hours to and withdraw hours from the FLP in accordance with eligibility criteria outlined in [System Regulation 31.06.03, Family Leave Pool Administration](#). A regular (eligible) employee is defined as one in a budgeted position for 50 percent or more time for at least four and one-half months, excluding students holding positions for which student status is a requirement for employment.

2. ADMINISTRATION

2.1 The Human Resources Generalist III in the Office of Human Resources (HR) shall be the FLP Administrator and shall be responsible for reviewing and approving or denying request(s) for transfer of hours into and from the FLP according to the guidelines established in [System Regulation 31.06.03, Family Leave Pool Administration](#).

2.2 The FLP Administrator will process requests within 10 working days following the receipt of all information necessary to make a decision.

2.3 The FLP Administrator will ensure that an employee's official leave record reflects the appropriate deduction for contributions to the FLP and/or the appropriate credit for receipt of hours from the FLP.

- 2.4 Decisions to allocate FLP resources to eligible employees will be equitable, consistent, and without regard to employee classification or any other legally impermissible reason.
- 2.5 In accordance with IRS rules, donations for some uses of the FLP are taxable to the donor and will be included in gross income and treated as wages for employment tax purposes.
- 2.6 To comply with IRS rules, there will be a tax exempt FLP and a taxable FLP. Recipients of donations from either pool will not be taxed beyond their normal employment taxes, and only donors to the taxable FLP are taxed on their donation. Donations and withdrawals from each pool will not be comingled.

3. CONTRIBUTION OF TIME

- 3.1 To contribute sick or vacation leave hours to the FLP, a regular (eligible) employee must submit a *Family Leave Pool Donation Form* (available on the HR Community page in Canvas) to the FLP Administrator. A retiring employee may designate the number of the retiring employee's accrued sick or vacation leave hours to be used for retirement credit and the number of the retiring employee's accrued sick or vacation leave hours to be donated on retirement to the sick or family leave pool.
- 3.2 A regular (eligible) employee may contribute one or more days of his/her accrued sick or vacation leave hours to the FLP at any time during his/her employment. FLP contributions must be in 8-hour increments.
- 3.3 At the time of donation, the donor employee must designate whether they want their donation to go to the tax exempt or taxable FLP. Employees selecting the taxable FLP will have their donation included in gross income and treated as wages for employment tax purposes in accordance with IRS rules.
- 3.4 Eligible employees wishing to donate for the following allowable reasons must donate to the taxable FLP:
 - (a) The bonding period following the birth of a child for the first year after the child's birth;
 - (b) The placement of a foster child or adoption of a child under 18 years of age;
 - (c) The placement of any person 18 years of age or older requiring guardianship;
 - (d) An extenuating circumstance created by an ongoing pandemic, including providing non-medical related essential care to a family member; or the closure of a school or daycare.
- 3.5 Eligible employees wishing to donate for the allowable reasons must donate to the non-taxable FLP:
 - (a) The birth of a child, not including bonding time;
 - (b) A serious illness to an immediate family member or the employee; or
 - (c) An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member due to a medical condition.
- 3.6 All contributions to the FLP are voluntary and may not be designated for use by a particular employee.

4. WITHDRAWAL OF TIME

- 4.1 To request a withdrawal of sick leave hours from the FLP, a regular (eligible) employee must submit a Family Leave Pool Withdrawal Form (available on the HR Community Canvas page) to the FLP Administrator.
- 4.2 A regular (eligible) employee is eligible to receive FLP hours if the employee has exhausted all eligible compensatory, sick (including Sick Leave Pool, if applicable), and vacation leave because of:
 - (a) The birth of a child, including bonding, for the first year after the child's birth;
 - (b) The placement of a foster child or adoption of a child under 18 years of age;
 - (c) The placement of any person 18 years of age or older requiring guardianship;
 - (d) A serious illness to an immediate family member or the employee;
 - (e) An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or the closure of a school or daycare, or
 - (f) A previous donation of time to the pool for which they are requesting FLP hours.
- 4.3 Appropriate documentation for an employee applying for time under section 4.2 to care for a child must list the employee as mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent, or documentation of guardianship and a requirement for guardianship for a person 18 years or older must be submitted to the FLP administrator. Supporting documentation is required for a withdrawal from the FLP for extenuating circumstance as created by an ongoing pandemic, including providing essential care to a family member including essential caregiver designation, proof of closure of a school or daycare.
- 4.4 A written statement from the treating licensed practitioner is required for an employee applying because of serious illness under section 4.2
- 4.5 Applicable documentation, including but not limited to an essential caregiver designation, is required for an employee seeking to withdraw from the FLP because of an extenuating circumstance created by an ongoing pandemic under section 4.2.
- 4.6 FLP hours may only be used for the approved, allowable requested reason. If an employee does not use all FLP hours, the unused time will be returned to the pool.
- 4.7 As specified in [System Regulation 31.06.03, Family Leave Pool Administration](#), an eligible employee may request up to one-third of the total amount of hours in the FLP or up to 90 working days (720 hours), whichever is less. The tax-exempt and taxable FLPs are maintained separately with the aforementioned limits applying to each, individually.
- 4.8 As with Sick Leave Pool, users of the Family Leave Pool are entitled to job protection for the period of leave approved under FMLA only for medically-related absences listed in section 3.5 above.

5. APPEAL PROCESS

An employee wishing to appeal a decision made by the FLP Administrator must submit the request in writing to the VP for Finance & Administration (VPFA) or designated Vice President or CEO within two weeks of the denial of the *Family Leave Pool Withdrawal Form*. The designated Vice President will consult with the Executive Director of Human Resources &

Payroll to review the appeal and render a final decision. The Executive Director of Human Resources & Payroll will prepare the written decision for the VPFA who will then send it to the employee who is appealing the initial decision.

Related Statutes, Policies, or Requirements

[System Regulation 31.06.03, *Family Leave Pool Administration*](#)

[Texas Government Code, Chapter 661](#)

Appendix

[Family Leave Pool Withdrawal Request Form](#)

[Family Leave Pool Donation - Donor Form](#)

Contact Office

Office of Human Resources
254-519-8015