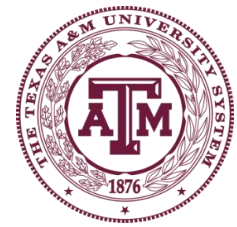


31.06.03 Family Leave Pool Administration

Approved November 3, 2021
Next Scheduled Review: November 3, 2026



Regulation Summary

Family leave pools within The Texas A&M University System (system) are administered in accordance with this regulation.

Definitions

Click here to view [Definitions](#).

Regulation

1. GENERAL

Each member must establish a family leave pool. This regulation applies only to an employee eligible to participate in a member family leave pool. An employee is eligible to participate in a member family leave pool if the employee is appointed for 50 percent or more time for a period of at least four and one-half months in a budgeted position, excluding an employee in a position for which student status is a requirement for employment.

2. ADMINISTRATION

Each member chief executive officer (CEO) must appoint a family leave pool administrator who has the following duties and responsibilities:

- (a) Develop and obtain CEO approval of the guidelines for pool operations, including the processing of requests to contribute to or withdraw from the pool and the required administrative approvals;
- (b) Communicate and interpret pool operating guidelines to all employees;
- (c) Design and implement a system records maintenance for each contributing and withdrawing employee; and
- (d) Determine eligibility for withdrawing from the pool and the amount that may be withdrawn from the pool; and approve the withdrawal based on established guidelines.

3. CONTRIBUTION OF TIME

- 3.1 An employee may contribute to the family leave pool one or more days of the employee's accrued sick or vacation leave in accordance with prescribed guidelines.
- 3.2 The pool administrator will credit the family leave pool with the amount of time contributed by the employee and deduct a corresponding amount of time from the employee's earned sick or vacation leave.
- 3.3 A retiring employee may designate the number of the retiring employee's accrued sick or vacation leave hours to be donated on retirement to the sick leave pool or the family leave pool.

4. ELIGIBILITY AND LEAVE REQUIREMENTS

- 4.1 If the employee has exhausted all eligible compensatory, sick, and vacation leave, the employee is eligible to request and receive family leave pool hours from the employing member for any one of the following reasons:
 - (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, including pandemic-related illness;
 - (e) An extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or
 - (f) A previous donation of time to the pool.
- 4.2 An employee who applies to use time under Section 4.1 to care for a child must submit and be listed on the other person's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent, or provide documentation that the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.

5. WITHDRAWAL OF TIME

- 5.1 The employee must provide the pool administrator with a written statement from the licensed practitioner who is treating the employee or the employee's immediate family member when:
 - (a) requesting to withdraw time because of a serious illness, including a pandemic-related illness, of an immediate family member or the employee; and
 - (b) the employee does not qualify for or has exhausted time available in the sick leave pool.
- 5.2 The employee must provide any applicable documentation, including an essential caregiver designation, proof of closure of a school or daycare, or other appropriate documentation if the employee is seeking permission to withdraw time because of an extenuating

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

5.3 An employee must first use any sick or vacation leave the employee accrues while on family leave pool if the employee is eligible to use such sick and vacation leave. For example, if an employee is on leave (in case of sick leave) or paid leave (in case of vacation leave) on the first workday of a month, the employee is not eligible to use sick or vacation leave accrued that month until the employee returns to work. If an employee does not use all family pool hours, the unused time will be returned to the pool.

5.4 An employee may not withdraw time from the family leave pool in an amount that exceeds the lesser of:

- (a) One-third of the total time in the pool; or
- (b) 90 days.

5.5 When an employee transfers to another state agency, including another system member, time donated to the pool may not be transferred to the new agency

6. EQUAL TREATMENT

6.1 An employee absent while using time withdrawn from the family leave pool may use the time as sick leave earned by the employee. The employee must be treated for all purposes as if the employee is absent on earned sick leave.

6.2 All employees who are eligible have equal access to the pool. Decisions to allocate pool resources to employees who are eligible will be equitable, consistent, and without regard to employee classification or any other legally impermissible reason.

7. NO ESTATE ENTITLEMENT

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

Related Statutes, Policies, or Requirements

[Tex. Gov't Code 661.021](#)

[System Regulation 31.06.01, Sick Leave Pool Administration](#)

[System Regulation 31.06.02, Sick Leave Donation](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

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