

Handbook of Operating Procedures

FAMILY LEAVE POOL

A. Purpose

The purpose of this policy is to provide for the voluntary transfer of sick or vacation leave earned by an employee of The University of Texas Rio Grande Valley (UTRGV) to a statutorily authorized family leave pool, and to adopt rules and procedures for the administration of the family leave pool.

B. Persons Affected

This policy applies to any paid staff employee appointed to work at least twenty (20) hours per week for a period of at least four and one-half (4.5) months, and to any paid faculty member employed for at least fifty percent (50%) time for at least four and one-half (4.5) continuous months. Students employed in positions that require student status as a condition of employment are not covered by this policy.

C. Policy

1. Subject to the availability of hours contributed to the Family Leave Pool, UTRGV may provide paid family leave to eligible employees who have exhausted all other accrued paid leave and who will lose compensation because of:
 - a. the birth of a child; including bonding with and caring for children during a child's first year following birth, adoption, or foster placement;
 - 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 health condition or illness to an immediate family member or the employee, including a pandemic-related illness;
 - e. an extenuating circumstance created by an ongoing pandemic, including essential care to a family member; or
 - f. a previous donation of time to the pool.
2. The Human Resources department head is designated as the Pool Administrator for the Family Leave Pool, and may designate delegate(s) to assist in the administration of the pool.
3. The Family Leave Pool consists of sick and vacation leave hours voluntarily donated to the pool by employees of UTRGV, in accordance with this policy and related procedures.

D. Procedures

1. Application Procedures

- a. The Pool Administrator will adopt forms and procedures appropriate for the administration of the Family Leave Pool.
- b. An employee may request an award from the Family Leave Pool by submitting an application form to Human Resources. The application should be submitted two (2) weeks before the leave is needed, or as soon as possible after the need arises.
 - i. If the employee is seeking permission to withdraw time because of bonding with and caring for children during a child's first year following birth, adoption, or foster placement, the application must include 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.
 - ii. If the employee is seeking permission to withdraw time because of a serious health condition or illness (including a pandemic-related illness) of an immediate family member or the employee, the application must be accompanied by a certification from the licensed practitioner treating the illness or supporting documentation that resulted in the exhaustion of the accrued paid leave of the employee making the application. The statement must provide sufficient information regarding the illness or extenuating circumstance to enable the pool administrator to evaluate the employee's eligibility.
 - iii. 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, the employee must provide any applicable documentation, including an essential caregiver designation, proof of closure of a school or daycare, or other appropriate documentation.
- c. An employee who has exhausted all accrued paid leave will be placed on leave without pay until a decision on their application for Family Leave Pool leave is made.
- d. The Pool Administrator will process applications to use Family Leave Pool hours in the order in which they are received and will approve or deny an application within ten (10) working days after receipt. The decision of the Pool Administrator regarding withdrawals from the Family Leave Pool will be final.
- e. The Pool Administrator or designee will notify the employee whether their application

for Family Leave Pool has been approved or denied. If approved, the notification will include the amount of Family Leave Pool hours to be assigned to the employee.

- f. In determining the amount of family leave to be assigned to an eligible employee from the pool, the Pool Administrator shall take into consideration the information contained in the employee's application, the statement from the licensed practitioner rendering services, applicable documentation for extenuating leave of absence, the number of applications pending, and the amount of family leave available in the pool. In no event shall the family leave allocated to an eligible employee from the pool exceed ninety (90) days or one-third of the family leave pool balance, whichever is less, for the duration of lifetime employment, to include legacy service.
2. *Use of Awarded Leave*
 - a. Upon approval of an application for Family Leave Pool hours, the employee will be credited with the approved number of Family Leave Pool hours and the employee, and the supervisor will be notified of the amount of time granted from the pool.
 - b. The employee may use family leave assigned from the pool in the same manner as sick leave accrued by the employee and will be treated for all purposes as if the employee were absent on earned sick leave.
 - c. Family Leave Pool hours may be used for continuous leave or for intermittent leave. An employee on intermittent leave will continue accruing leave balances and must first exhaust all paid leave accruals before reporting any Family Leave Pool hours. If on continuous leave, the monthly leave accrual is available to the employee only when the employee has returned to work. Sick leave assigned from the pool may only be used for absences directly pertaining to the approved leave request.
 - d. Any unused sick leave hours awarded from the pool may be returned to the pool by the Pool Administrator if the condition of the leave request changes. Unused Family Leave Pool may not be donated to another employee or to the sick leave pool. Unused family leave pool will not transfer to another state agency. The estate of a deceased employee shall not be entitled to payment for unused sick leave assigned from the pool.
3. *Contributions to Family Leave Pool*
 - a. The Family Leave Pool consists of sick and vacation leave hours voluntarily contributed to the pool by UTRGV employees. Employees may contribute sick and vacation leave hours to the Family Leave Pool by submitting a Family Leave Pool donation form and initiating the process in PeopleSoft via this [link](#).
 - b. Any donation to the Family Leave Pool may be subject to taxation. The dollar value of any donated leave hours into the Family Leave Pool may be included in the donor employee's gross income by UTRGV and treated as taxable wages for employment tax

purposes. UTRGV will withhold taxes according to federal and state tax laws. The calculated tax will be based on the donor's compensation rate and the tax amounts will be withheld from the donor's payroll check. Employees should consult with an independent tax advisor regarding the implications of a donation to the Family Leave Pool.

- c. Employees may donate one or more days of accrued sick or vacation leave to the Family Leave Pool at any time. Donated leave will be deducted from the employee's balance and added to the pool.
- d. A retiring employee has the option to contribute accrued sick or vacation leave hours to the sick and family leave pools as well as designate accrued sick or vacation leave to be used for retirement credit. A retiring employee has discretion to designate the amount of accrued leave to be used for each purpose.
- e. Donated leave may not be designated to a particular person.

E. Definitions

1. Immediate family member(s) - are those individual(s) who live in the same household as the employee and are related by kinship, adoption, or marriage; or are foster children certified by the Texas Department of Child Protective and Regulatory Services; and an employee's minor child regardless of whether the child lives in the same household. If not in the same household, an immediate family member is strictly limited to the employee's spouse, child or parent. Sick leave may not be taken to care for an employee's parents-in-law.
2. Intermittent leave - leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time, and may include leave for periods from one hour to several weeks. Examples include leave taken on an occasional basis for medical appointments or leave taken several days at a time spread over a period of six months, such as for chemotherapy.
3. Licensed practitioner - includes a licensed physician, nurse practitioner, or other licensed health care professional rendering medical services.
4. Paid leave - means any sick, annual, state compensatory, floating holiday, overtime, or other paid leave the employee has accrued prior to or, if using time granted from the family leave pool on an intermittent basis, during the period of pool leave. See UTRGV Handbook of Operating Procedures Policies [ADM 04-608 Family and Medical Leave](#) and [ADM 04-602 Annual Leave](#).
5. Pool Administrator - means the Human Resources department head.
6. Serious Health Condition or Illness - is a serious health condition or illness is defined as an illness, injury, impairment, or physical or mental condition that involves either:

- a. Inpatient care in a hospital, hospice or residential care facility,
- b. Continuing treatment by a health care provider. The term “serious health condition or illness” is intended to cover those conditions which affect one’s health to the extent that in-patient care is required or continuing treatment by a provider of health care is necessary on a recurring basis for more than a few days for treatment or recovery, or
- c. Pandemic-related illness or complications caused by a pandemic, including providing essential care to a family member.

Examples of serious health conditions or illnesses include heart attacks, heart conditions, most cancers and back conditions requiring extensive therapy or surgical procedures, strokes, respiratory conditions, appendicitis, pneumonia, emphysema, severe nervous disorders, injuries caused by serious accidents on or off the job, pregnancy, severe morning sickness, need for prenatal care, childbirth, and recovery from childbirth. A serious health condition or illness includes treatment for a serious chronic condition which, if left untreated, would likely result in an absence of work for more than three (3) days.

F. Related Statutes or Regulations, Rules, Policies, or Standards

[Sections 662.021-.028, Texas Government Code \(Subchapter A-1, State Employee Family Leave Pool\)](#)

[Rule 30204, Rules and Regulations of the Board of Regents of The University of Texas System \(Family Leave Pool\)](#)

[ADM 04-602](#) Annual Leave

[ADM 04-608](#) Family and Medical Leave

G. Dates Reviewed or Amended

Not Applicable.