



Leave Administration Policy

Holidays

All state employees, including part-time and hourly workers, are entitled to designated state holidays with pay. A list of holidays, as established by the Legislature, is made available for employees. Holidays falling on Saturdays or Sundays are not observed by closing the state office on the preceding or following days. An employee who is on leave without pay is not entitled to be paid for a holiday.

Employees who work shift patterns are entitled to the equivalent number of legislated holidays each year as those who work regular office hours.

A state employee is entitled to observe the optional holidays, Rosh Hashanah, Yom Kippur, Cesar Chavez Day, and Good Friday in lieu of any skeleton crew holiday. If the employee chooses to take the optional holiday, they will be required to work one of the following skeleton crew holidays in lieu of the optional holiday within the same fiscal year. If the employee does not work on one of the following skeleton crew holidays, the employee will be required to use their accrued annual or compensatory leave to offset the optional holiday taken or their pay may be docked.

The agency will be open on holidays requiring a skeleton crew or as needed. Employees are to cooperate with management to schedule coverage. Some holidays require the agency to be staffed with a skeleton crew. On skeleton crew holidays, employees are required to work with management to ensure there is appropriate coverage for agency operations. Employees working on a state holiday period will be allowed compensatory time off during the 12-month period following the date of the holiday worked.

Vacation Leave

Updated January 1, 2022

Accrual of vacation leave begins on the first day of employment and ends on the last day of duty. The amount of vacation leave that employees accrue each month and the amount that can be carried forward into the next fiscal year is set by the Legislature. The state's fiscal year is from September 1 through August 31.

Part-time employees accrue vacation leave at a rate proportional to that of regular full-time employees. The amount of leave part-time employees can carry forward into the next fiscal year is also in proportion to that of regular full-time employees.

Employees receive credit for one month's vacation leave for each month or fraction of a month of state employment. Vacation leave is credited on the first day of each month.

Vacation leave is not accrued for any calendar month(s) when an employee is not physically on duty. If an employee is on any type of paid leave that extends into a subsequent month, vacation leave for that month will not be posted until the employee returns to duty. If an employee separates from state employment without returning to duty, the employee is not entitled to leave accruals for any month that the employee was out on paid leave when the month began.

Employees are eligible to use vacation leave after completing six months of uninterrupted employment with the state. If an employee has met this requirement through previous state service, they are eligible to take vacation leave as it is earned.

All requests to take vacation leave must be approved in advance by an employee’s supervisor or their designee. Vacation schedules should be carefully planned with the employee’s supervisor or their designee to ensure appropriate coverage. It is possible that individual plans may need to be altered to meet agency operations.

The Legislature sets the rates of vacation accrual based on length of state service and determines the maximum number of hours an employee may carry forward each fiscal year. The rate of vacation leave that may be carried forward is based upon an employee’s years of service. An employee must complete the full year of service to be entitled to a higher rate of vacation accrual if they are eligible for such upon their next work anniversary.

Length of service is calculated from an employee’s anniversary date. If their anniversary date falls on a day other than the first calendar day of the month, the increase in vacation leave will begin on the first calendar day of the following month.

In determining length of service, only actual days, months, and years of state employment will be counted. **Vacation leave hours in excess of the maximum that may be carried forward will be converted to sick leave hours on September 1 of each year.** Annual leave accruals for Return-To-Work (RTW) Retirees are based on retirement and rehire dates. Return-to-Work Retirees should contact the People and Culture Office to determine accruals.

Schedule of Vacation Leave Accruals for Full-Time Employees

Updated January 1, 2022

Schedule of Annual Leave Accruals for Full-Time Employees			
Length of Service	Hours Accrued per Month	Days Accrued per Year	Allowable Carryover (Hours)
Less than 2 years	8	12	180
At least 2 but less than 5 years	9	13.5	244
At least 5 but less than 10 years	10	15	268
At least 10 but less than 15 years	11	16.5	292
At least 15 but less than 20 years	13	19.5	340
At least 20 but less than 25 years	15	22.5	388
At least 25 but less than 30 years	17	25.5	436

At least 30 but less than 35 years	19	28.5	484
At least 35 years or more	21	31.5	532

A state employee who separates from state employment will be paid for unused vacation leave provided the six-month continuous state service requirement has been met and the employee is not employed by another state agency that allows vacation leave accrual within a period of 30 days from the date of the employee's separation from DIR.

An employee terminating state employment may request to remain on the agency's payroll after the last day of duty to utilize vacation in lieu of a lump sum payment and to exhaust other accrued leave, such as non-FLSA compensatory time and holiday-worked leave (neither of which can be included as part of a lump sum payment). Due to fiscal constraints, remaining on the payroll to exhaust accrued leave is limited to the month in which the employee resigns.

Approvals to remain on payroll to exhaust accrued leave are subject to the discretion of the People and Culture Office and the Executive Director.

If an employee transfers from one state agency to another without interruption in service, the employee's unused vacation leave will be transferred to the receiving agency.

Sick Leave

Updated January 1, 2022

Regular sick leave is a benefit for state employees that allows for a paid absence from work under certain conditions. A full-time employee accrues regular sick leave at a rate of eight hours per month.

A part-time employee accrues regular sick leave proportionately to the rate of a full-time employee.

Accrued regular sick leave may be used immediately upon hire when an employee is prevented from performing their job duties due to illness, injury, pregnancy, or confinement. An employee who is on leave on the first day of a month may not use the regular sick leave or annual leave that the employee accrues for that month until after the employee returns to duty. If an employee separates from state employment without returning to duty, the employee is not entitled to leave accruals while on paid leave for any calendar months following the month in which the last day of duty occurs.

There is no limit to the amount of regular sick leave employees may accrue or carry forward from one fiscal year to the next.

Accrued sick leave may be used in the following circumstances:

- Employee illness;
- Employee injury;
- Appointments with health care professionals;
- Prevention of employee's performance of duty because of pregnancy and/or confinement;
- or
- Employee is needed to care for or assist an immediate family member who is actually ill.

An immediate family member is defined as those individuals who reside in the same household and are related to the employee by kinship, adoption, or marriage, as well as foster children under the conservatorship of the Department of Family and Protective Services (DFPS).

Minor children of an employee, regardless of whether the child lives in the same household, are considered immediate family for the purpose of using regular sick leave. Use of regular sick leave for family members not residing in the same household is strictly limited to the time necessary to assist and/or care for an immediate family member that is totally dependent upon the employee for personal care or services on a continuing basis.

An employee who becomes ill while on vacation leave and would otherwise be entitled to sick leave, may use regular sick leave for the time actually ill.

A terminating employee who is allowed to use vacation to remain on the payroll in lieu of termination shall not be eligible to use regular sick leave.

If an employee will be absent from duty because of illness, they shall notify a supervisor or supervisor's designee at least one hour before their established shift. If an employee is out of the office due to illness for more than one day, they shall notify a supervisor or supervisor's designee daily and at least one hour before their established shift unless other arrangements are made (e.g., Family Medical Leave) from which the employee has planned to return on a specific date.

When an employee returns to work, they shall submit a calendar request via Microsoft Outlook or follow an applicable notification method set by their supervisor to account for the regular sick leave taken. The leave taken shall also be entered into their monthly timesheet via CAPPs. An absence of more than three days requires the employee to provide a statement of the facts surrounding the absence and the nature of the illness to their supervisor or their supervisor's designee. Such statement of fact shall be received from:

- a licensed physician; or
- a mental health professional who is licensed by a regulating state agency.

At the Executive Director's discretion, additional documentation may be accepted to provide a statement of fact to account for an absence and the nature of an illness.

An employee may use up to eight hours of sick leave each fiscal year to attend educational activities for the employee's children who are in pre-kindergarten through twelfth grade. The employee shall provide reasonable notice of their intention to use sick leave for the purposes of attending educational activities. Part-time employees receive this leave on a proportionate basis.

Educational activities are school sponsored activities, including parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs.

A supervisor may require a statement described above for any absence due to illness when the supervisor reasonably suspects that the employee may be malingering or abusing regular sick leave privileges. Malingering and abuse of regular sick leave privileges may be grounds for disciplinary action up to and including dismissal.

Employees who transfer directly from a state agency or public institution of higher education without a break in service shall have their regular sick leave balances transferred.

Employees separated from state employment as the result of a reduction in force (RIF) or other qualifying reasons under statute are eligible to have their regular sick leave balances restored if the following requirements are met:

- The employee is rehired by DIR within 12 months after the end of the month in which the employee separates from state employment; and
- There has been a break in service with the State not exceeding 30 calendar days.

Extended Sick Leave

Updated January 1, 2022

Employees who require extended sick leave shall submit the Special Leave Form for consideration and approval prior to their use of extended sick leave. DIR shall consider and grant, when appropriate, extended sick leave to an employee that experiences a health-related event resulting in the employee exhausting all accrued leave.

DIR employees who meet all the following conditions are eligible for consideration of their request for extended sick leave:

- the employee's own sickness, injury, or pregnancy and confinement prevents the employee from performing their duties for a period of more than three (3) days; or
- the employee's request to care for or assist an immediate family member who is sick prevents the employee from performing their duties for a period of more than three (3) days; and
- the employee has a minimum of one year of state service prior to the need for extended sick leave;
- the employee has exhausted all eligible sick, annual, and compensatory leave;
- the employee's personnel records reflect no evidence of sick leave abuse and malingering;
- the employee's most recent overall performance evaluation reflects a minimum rating of meets expectations;
- there is no evidence of unresolved disciplinary counseling; and
- no progressive disciplinary actions have occurred since the employee's last performance evaluation.

An immediate family member is defined as those individuals who reside in the same household and are related to the employee by kinship, adoption, or marriage, as well as foster children under the conservatorship of DFPS. Minor children of an employee, regardless of whether the child lives in the same household, are considered immediate family for the purpose of using regular sick leave. Use of extended sick leave for family members not residing in the same household is strictly limited to the time necessary to assist and/or care for an immediate family member that is totally dependent upon the employee for personal care or services on a continuing basis.

Employees who are granted extended sick leave are limited to the lesser of:

- an amount equal to the employee's accrued sick leave balance at the onset of illness or injury; or
- a maximum of sixty (60) workdays of paid leave. Extended sick leave will be computed on workdays only.

Extended sick leave may be used intermittently if warranted by the nature of the illness and treatment.

For extended sick leave to be considered for approval, eligible employees or their supervisor serving on their behalf shall submit the Special Leave Form to the People and Culture Office. In addition to the Special Leave Form, the employee shall include the following:

- the reason for the request for extended sick leave;
- a completed and signed certification by the employee's licensed physician or a mental health professional who is licensed by a regulating state agency;
- the employee's accrued sick leave balances at the onset of the specified illness or injury; and

- the number of extended sick leave hours requested if such number is less than the maximum allowable amount. If such number is the maximum allowable amount, then the employee shall request the maximum amount.

Requests for extended sick leave authorization shall be routed to the People and Culture Office, who will route it to the Executive Director and/or a designee.

Sick Leave Pool

Updated January 1, 2022

Employees who have exhausted their extended sick leave and require additional time off for illness may be eligible for time from the Sick Leave Pool. If an employee believes they are eligible, subject to the below conditions, for leave from the Sick Leave Pool, they shall submit the Special Leave Form for consideration and approval of their request. DIR shall consider and grant, when appropriate, Sick Leave Pool hours to an employee that experiences or whose immediate family experiences catastrophic illness or injury resulting in the employee exhausting all accrued leave. Catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave earned by that employee.

The Chief People and Culture Officer shall administer the Sick Leave Pool.

All regular full-time and part-time employees, excluding DIR's Executive Director, are eligible to participate in the agency's Sick Leave Pool program provided they meet the following requirements:

- The employee's personnel records shall reflect no evidence of sick leave abuse or malingering;
- The employee's most recent performance appraisal indicates that the employee's overall performance meets or exceeds expectations;
- There is no evidence of unresolved disciplinary counseling; and
- No progressive disciplinary actions have occurred since the employee's last performance appraisal.

An employee is not eligible to receive leave from the Sick Leave Pool if they were the recipient of leave from the Sick Leave Pool during the prior 12 months.

Employees shall exhaust all accrued leave as well as any extended sick leave granted by the agency before they are eligible to use Sick Leave Pool leave.

An employee may contribute eight or more hours of their accrued sick leave to the agency's Sick Leave Pool. Retiring employees may contribute any unused balance. If retiring employees desire to contribute to the Sick Leave Pool, they shall select the applicable option on DIR's offboarding form.

Full-time employees shall have a minimum sick leave balance of 40 hours after contributing to the Sick Leave Pool; part-time employees shall have a proportionate minimum balance after contributing.

The minimum balance requirement does not apply to those contributing upon separation from employment.

Employees may apply to contribute to the Sick Leave Pool by completing the appropriate sections of the agency's Sick Leave Pool Contribution and Withdrawal form and submitting it to the Sick Leave Pool administrator for approval.

An employee may also donate any amount of the employee's accrued sick leave directly to any DIR employee who has exhausted their sick leave, including any time the employee may be eligible to withdraw from a Sick Leave Pool. An employee may not provide or receive remuneration or a gift in exchange for a sick leave donation under this section. An employee who receives donated sick leave under this policy shall only use the leave for sickness, injury, pregnancy, or confinement that prevents the employee's performance of duty or when the employee is needed to care for and assist a member of the employee's immediate family who is sick.

An employee shall not use donated sick leave for service credit in the Employees Retirement System.

An employee's contribution will be credited to the agency's Sick Leave Pool and a corresponding amount of leave will be deducted from the employee's accumulated sick leave balance.

Contributions made to the Sick Leave Pool will be documented in each contributor's Employee Time Summary report for the month in which the contribution was completed.

Contributions to the Sick Leave Pool are strictly voluntary.

Terminating employees will be offered the opportunity to contribute to the Sick Leave Pool at the time of their separation from the agency. Approved contributions made to the Sick Leave Pool are final and shall not be retracted. An employee can apply to withdraw leave from the Sick Leave Pool by completing the Sick Leave Pool Special Leave form and submitting it to the People and Culture Office.

A physician's certificate or acceptable statement shall be completed and signed by the licensed practitioner who is treating the employee or the employee's immediate family member, shall be submitted with the request to withdraw leave from the pool.

The documentation shall contain sufficient information to allow the pool administrator to evaluate the employee's eligibility.

A completed Special Leave form and the supporting documentation shall be forwarded to the Sick Leave Pool administrator for consideration.

If an employee is unable to make a request for withdrawal personally, due to physical or medical constraints of their catastrophic illness or injury, the employee's immediate supervisor may initiate the request on the employee's behalf, or the People and Culture Office may coordinate the request with a member of the employee's immediate family.

Requests for withdrawals will be considered in the order in which they are received.

The Sick Leave Pool administrator will decide on requests for withdrawals within five business days from the date of request with all required information received. If there are extenuating circumstances where the request requires additional approvals, then the Sick Leave Pool administrator may require more than five business days.

Employees will be notified by the Sick Leave Pool administrator or a designee if the request is approved. If approved, leave from the Sick Leave Pool will be credited to the employee's sick leave balance.

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

- one-third of the total time in the Sick Leave Pool; or
- 90 days (720 hours).

The Sick Leave Pool administrator will determine the amount of Sick Leave Pool leave granted for each catastrophic illness or injury instance.

Eligible employees may use Sick Leave Pool leave for their own catastrophic illness or injury or for the catastrophic illness or injury of an immediate family member as defined in this policy. An employee on approved Sick Leave Pool leave uses the leave as if they are absent on earned sick leave.

Sick Leave Pool leave granted and taken shall be documented in the CAPPs Time & Leave module. In the absence of the employee, the immediate supervisor or their designee, the People and Culture Office will ensure that the required entries are made correctly and in a timely manner.

Any unused balance of leave granted from the Sick Leave Pool to an employee will be returned to the Sick Leave Pool.

The estate of a deceased employee is not entitled to payment for unused Sick Leave Pool leave.

The Sick Leave Pool time will count towards an employee's Family Medical Leave (FML) entitlement when the leave qualifies under the FML provisions.

If an employee is on leave from the Sick Leave Pool on the first day of the month, the employee may not use the regular sick leave or annual leave that the employee accrues for that month until after the employee returns to duty.

Family and Medical Leave (FML)

Updated September 1, 2023

The Family and Medical Leave Act (FMLA) allows eligible employees in an approved job a protected absence of up to 12 workweeks during a 12-month period for one or more of the following qualifying reasons:

- birth of a child and to care for the newborn child within one year of birth;
- placement of a child for adoption or foster care and caring for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of their job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."

For the purposes of leave permitted under the FMLA, a child includes a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. A parent is defined as a biological, adoptive, step, or foster parent, or an individual who stood in loco parentis to an employee when the employee was a child.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FML in a single 12-month period to care for the servicemember with a serious injury or illness. DIR uses the rolling 12-month period for FML administration. This 12-month period is measured backward from the date an employee last used any FML. When it is

medically necessary or otherwise permitted, employees may take leave consecutively, intermittently, or on a reduced schedule. Employees may review a summary of their rights and responsibilities in accordance to the Family and Medical Leave [Act](#) on the U.S. Department of Labor's website.

The FMLA applies to all state agencies including DIR. For purposes of the FMLA, the State of Texas is considered a single employer.

Employees shall meet three criteria to be eligible for FMLA leave. The employee must:

- Have worked for the State of Texas for at least 12 months (The 12 months of employment do not need to be consecutive or continuous.);
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

Eligible DIR employees who have a spouse that is also employed by DIR are limited to a combined total of 12 weeks of family and medical leave for the following reasons:

- For the birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement; or
- To care for a parent who has a serious health condition (or 26 workweeks if the leave is granted to care for a covered service member with a serious injury or illness).

Employees who do not qualify for family and medical leave may be entitled to parental leave.

If an eligible employee is absent due to a qualifying event, the absence is counted towards the employee's family and medical leave entitlement whether the leave is paid or unpaid. Annual leave, sick leave, state compensatory time, administrative leave, and banked holiday time are considered state benefits and will be counted toward an employee's 12-week FMLA entitlement. In addition, accrued Fair Labor Standard Act (FLSA) overtime for nonexempt employees will be counted against the 12-week FMLA entitlement.

Employees on family and medical leave must exhaust all available, applicable leave before going on unpaid leave (leave without pay) with the following exceptions:

- Any state and federal paid leave options may be counted toward an employee's 12-week family and medical leave entitlement;
- Employees who are receiving temporary disability benefit payments or workers' compensation benefits cannot be required to use paid vacation or sick leave while on family and medical leave;
- The use of sick leave is normally limited to those situations clearly falling within the state's definition of sick leave; and
- The employee is taking paid leave under Texas Government Code § 661.9125

Under the provisions of this policy, the maximum combination of paid and unpaid leave is limited to the 12 weeks of the employee's family and medical leave entitlement. However, an employee who has accrued leave balances that exceed 12 weeks may request approval of an extension beyond 12 weeks under non-FMLA regulations/policies governing leave without pay, sick pool leave, or extended sick leave.

Employees must provide at least verbal notice sufficient to make the agency aware that family and medical leave is needed and the anticipated timing and duration of such leave.

An employee need not expressly assert rights under FMLA or specifically mention the Act. Further inquiries may be made of the employee if more information is needed.

Generally, the need for family and medical leave is foreseeable. In these cases, an employee must provide at least 30 days' advance notice before leave begins. If the family and medical leave is not foreseeable or is the result of a medical emergency, notice must be given to their supervisor or their designee by phone or email as soon as possible.

When planning medical treatment, employees should consult with their supervisors and make a reasonable effort to schedule the leave so as not to unduly disrupt the agency's operations.

Employees will be required to provide medical certification to support the need for family and medical leave. Medical certification of a serious health condition should be issued by a health care provider of the employee or their seriously ill family member and must verify that the serious health condition requires either inpatient care or continuing treatment and/or recovery. When the need to use family and medical leave is foreseeable, the employee shall provide the medical certification before the leave begins. When it is not foreseeable or the result of a medical emergency, employees must provide certification as soon as practicable, or the approval and commencement of family and medical leave may be delayed.

If the employee's division director has reason to doubt or question the validity of a medical certification, then the division director shall consult with the People and Culture Office to determine if a second medical opinion is appropriate. If the first and second opinions differ, a third opinion may be required from a jointly selected provider. The third opinion is binding.

For pregnancy, chronic, or permanent/long-term conditions under continuing supervision of a health care provider, DIR may request recertification every 30 days if:

- circumstances described in previously received certification changes significantly, e.g., the duration or frequency of absences, the severity of the condition; or
- DIR receives information that casts doubt on the employee's stated reason for absence.

Recertification can be requested at any reasonable interval, but not more often than every 30 days, unless:

- the employee requests an extension of leave;
- circumstances described by the previous certification have changed significantly; or
- DIR receives information that casts doubt upon the continuing validity of the certification.

Employees must provide requested recertification within 15 calendar days after the request is made. Recertifications requested by DIR will be at the employee's expense.

Leave will generally not be qualified after the leave period has ended with the following exceptions:

- If the employee does not notify DIR that they will be absent for a family and medical leave reason until after the employee returns, DIR may designate the leave retroactively within two business days of the employee's return to work with appropriate notice to the employee.
- If leave taken for a family and medical leave reason has not been designated by DIR and the employee desires that the leave be counted as family and medical leave, the employee must notify DIR within two business days of returning to work that the leave was for and qualifying event. In the absence of this timely notification by the employee, the employee may not subsequently assert family and medical protections for the absence.

If an employee fails to give timely advance notice when the need for family and medical leave is foreseeable, DIR may deny family and medical leave until 30 days after the date the employee provides notice to DIR. If an employee fails to provide the requested medical certification to substantiate the need for qualifying leave, their request for leave may be denied until the certification is submitted.

State Employee Family Leave Pool

Updated September 1, 2021

The purpose of the DIR employee family leave program is to provide state 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 illness or complications caused by a pandemic.

DIR's Board of Directors shall, through the establishment of a program, allow employees to voluntarily transfer sick or vacation leave earned by the employee to a family leave pool. The Executive Director or an individual appointed by the DIR Board shall administer the family leave pool.

An employee may contribute to the family leave pool one or more days of the employee's accrued sick or vacation leave. The pool administrator shall credit the family leave pool with the amount of time contributed by an employee and deduct a corresponding amount of time from the employee's earned sick or vacation leave as if the employee had used the time for personal purposes.

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 employee's accrued sick or vacation leave hours.

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

- the birth of a child;
- the placement of a foster child or adoption of a child under 18 years of age;
- the placement of any person 18 years of age or older regarding guardianship;
- a serious illness to an immediate family member or the employee, including a pandemic-related illness;
- an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or
- a previous donation of time to the pool.

An employee who applies to use time to care for another person 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's, 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.

An employee may apply to the pool administrator for permission to withdraw time from the family leave pool if the employee is seeking permission to withdraw time because of a serious illness, including a pandemic-related illness, of an immediate family member or employee and does not qualify for or has exhausted time available in the sick leave pool, 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.

If an 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 at a school or daycare, or other appropriate documentation.

If the pool administrator determines the employee is eligible, the administrator shall approve the transfer of time from the pool to the employee and credit the time to the employee.

An employee may not withdraw time from the family leave pool in an amount that exceeds the lesser of one-third of the total time in the pool or 90 days. The pool administrator shall determine the amount of time that an employee may withdraw from the pool.

An employee who is absent while using time withdrawn from the family leave pool may use the time as sick leave earned by the employee. The employee shall be treated as if the employee is absent on sick leave.

Parental Leave

Updated September 1, 2023

An employee is entitled to a paid period of parental leave under Government Code sections 661.912 and 661.9125 for the:

- birth of a child;
- birth of a child by the employee's spouse;
- birth of a child by a gestational surrogate; or
- adoption of a child.

An employee who has given birth to a child is entitled to a maximum of 40 days of parental leave. An employee seeking to use parental leave for the birth of a child by their spouse or gestational surrogate or for a child's adoption is entitled to a maximum of 20 days of leave. Parental leave available to an employee under this statute cannot be taken in addition to leave taken under the FMLA.

An employee is not required to use their accrued vacation or sick leave before requesting parental leave.

Mother-Friendly Workplace Policy

Updated January 1, 2022

Supervisors shall grant lactating mothers flexibility in work schedules to reasonably accommodate milk expression. Lactating mothers shall be allowed adequate time during the standard workday for milk expression. This may include various combinations of the standard paid break periods, lunch periods, and other times as necessary. Flexible work schedules shall be offered such that an individual is not required to use personal leave to recover time used for milk expression.

DIR shall provide a private space (other than a multiple user restroom) for lactating mothers to express milk. The space will be shielded from view and free from intrusion from other employees and the public.

Employees shall contact the People and Culture Office for information on the designated private space.

Each division director, supervisor, and member of the People and Culture Office is responsible for ensuring that this policy is followed. DIR shall not suspend or terminate the employment or otherwise discriminate against an employee because the employee has asserted the rights articulated herein.

Foster Parent Leave

Updated January 1, 2022

An employee who is a foster parent to a child under the conservatorship of DFPS is entitled to a paid leave of absence to attend meetings held by the DFPS regarding the employee's foster child.

In addition, an employee may use this paid leave to attend the Admission, Review, and Dismissal (ARD) meetings held by school districts regarding the foster child.

Parent Teacher Conference Leave

Employees shall comply with the requirements of DIR's Sick Leave Policy regarding the use of sick leave each fiscal year to attend parent teacher conference sessions.

Emergency Leave

Updated January 1, 2022

DIR's Executive Director has the authority to grant emergency leave because of death in an employee's family. For the purposes of emergency leave, family is defined as the employee's spouse, or the employee's or spouse's children, parents, grandparents, grandchildren, brother, or sister.

There is no specific amount of predetermined time for emergency leave due to death in the family. Normally, up to three days are allowed; however, additional time may be requested and will be considered on a case-by-case basis.

DIR's Executive Director has discretionary authority to grant emergency leave for other reasons determined to be of good cause on a case-by-case basis. The Executive Director may not grant emergency leave in this instance unless they believe that the employee being granted leave intends to return to the employee's position upon expiration of the period of emergency leave.

DIR's Executive Director is responsible for reporting the below information for each employee granted more than 32 hours of emergency leave during the prior state fiscal year.

The report is due to the Comptroller's office no later than October 1.

- Employee name
- Employee position
- Reason for the emergency leave

Employees who are on emergency leave are considered to be in a "paid leave status".

Employees on emergency leave during a holiday are eligible for holiday pay if a holiday occurs during their emergency leave.

Military Leave

Updated September 1, 2021

Employees who are members of the state military forces, the National Guard, or of reserve components of the U.S. Armed Forces will be granted military training leave and duty leave up to a total of 15 business days each federal fiscal year (October 1 through September 30) without any loss of salary, or benefits. The 15 days do not have to be consecutive. After exhausting these 15 days of leave, an employee may use accrued vacation leave, compensatory leave, be placed on leave without pay, or a combination thereof for the remainder of the active-duty period. A copy of the orders shall be attached to the leave request and provided to the employee's supervisor or their designee for approval before leaving for duty.

An employee who is a member of the Texas National Guard or the United States Armed Forces Reserve is allowed to adjust their work schedule so two of the employee's days off each month coincide with two days of military duty.

An employee who is a member of the National Guard and is called to active duty by the Governor of Texas because of a declared emergency will be granted leave of absence with full pay, without loss of military or other accrued leave.

An employee who is a member of the Texas Military Forces and is called to state active duty by the Governor of Texas or appropriate authority in response to a disaster is entitled to a paid leave of absence for up to seven business days for each day the employee is called to duty for the disaster. The employee shall not be subject to loss of time, efficiency rating, personal time, sick leave, or vacation time.

An employee of the Texas military forces who is ordered to active state duty by the Governor or by other proper authority under this law of the State of Texas is entitled to the same benefits and protections provided to persons:

- performing service in the uniformed services by 38 United States Code, Sections 4301- 4313 and 4316-4319, as that law existed on April 1, 2003; and
- in the military service of the United States by 50 App. United States Code, Sections 501- 536, and 580-594, as that law existed on April 1, 2003.

This applies only to employees serving on active state duty on or after April 1, 2003, without regard to the date on which the employee was initially ordered to active state duty.

An employee who is called to active duty during a national emergency by a reserve branch of the United States Armed Forces will be granted a leave of absence. While on leave of absence, the employee will continue accruing state service credit, vacation, and sick leave. The employee will retain previously accrued vacation or sick leave and be credited with vacation and sick leave accruals upon return. The employee may use any accrued vacation leave, earned compensatory leave, or overtime to maintain benefits for the employee or the employee's dependents while on military duty. Additionally, the employee may continue to accrue service credit with ERS by receiving at least one hour of state pay during each month of active military service. The employee may use any combination of paid leave to qualify for state pay.

Before an employee leaves for military service, DIR will review issues relating to maintaining state health insurance coverage, how health insurance coverage is affected by paid or unpaid leave, and how to pay any premium required for the insurance coverage with the employee.

The Executive Director of the agency shall grant emergency leave to provide a pay differential if an employee's military pay is less than the employee's state gross pay. The combination of military pay, and emergency leave may not exceed the employee's actual state gross pay. Pay received while assigned to a combat zone, hardship duty pay, and family separation pay is excluded when computing military differential pay. Only state employees called to active duty in support of the Homeland Security mission under United States Code Title 10 or Title 32 are entitled to military differential pay.

Service members involved in routine military training or attending military school are not entitled to this differential pay.

To be eligible for restoration of employment at the conclusion of military service, the employee shall be honorably discharged no later than five years after induction, enlistment, or call to duty and shall be physically and mentally qualified to perform the duties of the job.

Volunteer Firefighter's and Emergency Medical Service Leave

Updated December 1, 2021

An employee who is a volunteer firefighter, emergency medical services volunteer, and search and rescue volunteer are entitled to paid leave not to exceed five working days each fiscal year to attend training conducted by a state agency or institution of higher education. An employee who is a volunteer firefighter, emergency medical services volunteer, or search and rescue volunteer on paid leave shall not receive a deduction from the employee's vacation or sick leave accruals.

An employee who is a certified volunteer firefighter, emergency medical services volunteer, emergency medical services volunteer, or a search and rescue volunteer may request paid leave for the purpose of responding to emergency fire situations, medical, and/or search and rescue situations. Such requests shall be reviewed individually and decided on a case-by-case basis.

An employee who is a volunteer fire fighter, emergency medical services volunteer, or search and rescue volunteer shall notify the agency and provide a copy of the certificate before requests for paid firefighting, emergency medical services leave, and search and rescue volunteer leave can be considered for approval.

Volunteers of Texas Volunteer Organizations

Updated September 1, 2021

An employee who is a volunteer of an organization that is a member of the Texas Voluntary Organizations Active in Disaster may be granted leave not exceeding ten days to participate in disaster relief services without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time if:

- the employee's supervisor authorizes the leave; and
- the services in which the employee participates are provided for a state of disaster declared by the governor under Texas Government Code 418.

Leave for Assistance Dog Training

Updated December 1, 2021

An employee who is a person with a disability as defined by Texas Human Resources Code §121.002 is entitled to a leave of absence without a deduction in salary to attend a training program to acquaint them with their assistance dog. The leave may not exceed 10 working days in a fiscal year. An employee is not required to use sick, or vacation leave for this purpose. If an employee intends to take a leave of absence for this purpose, they shall notify their supervisor or their supervisor's designee and the People and Culture Office.

Donation of Blood

Updated December 1, 2021

An employee is entitled to sufficient time off with the authorization of their supervisor to donate blood without a deduction in salary or accrued leave. The employee shall complete DIR's Special Leave Form prior to taking time to donate blood and submit the completed form to the People and Culture Office to be routed for approval; the request for special leave must be approved prior to the employee taking leave to donate blood. Upon returning to work, the employee shall provide their supervisor with proof that the employee donated blood during the time off. An employee may only take time off to donate blood no more than four times per fiscal year.

Leave for Bone Marrow or Organ Donors

Updated December 1, 2021

An employee is entitled to a leave of absence without a deduction in salary to permit the employee to serve as a bone marrow or organ donor. The employee shall complete DIR's Special Leave Form prior to taking time to donate bone marrow or organs and submit the completed form to the People and Culture Office to be routed for approval; the request for special leave must be approved prior to the employee taking leave to donate bone marrow or organs. The leave of absence provided by this section may not exceed:

- Five working days in a fiscal year to serve as a bone marrow donor; or
- Thirty working days in a fiscal year to serve as an organ donor.

Leave During an Agency Investigation

Updated December 1, 2021

DIR's Executive Director may grant leave without a deduction in salary to a state employee who is:

- The subject of an investigation being conducted by the agency; or
- A victim of or witness to an act or event that is the subject of an investigation being conducted by the agency.

The People and Culture Office will submit a report to the State Auditor's Office and the Legislative Budget Board that identifies the employee who was granted 168 hours or more of investigation leave during the fiscal quarter and:

- The subject of the investigation;
- The victim of an act that is under investigation; or
- The witness to an act that is under investigation.

Medical and Mental Health Care Leave for Certain Veterans

The 85th Legislature enacted legislation allowing state agencies to grant leave to certain employees who are veterans, without a deduction in salary or loss of vacation and sick leave, overtime, and state compensatory time, to obtain medical and mental health care (including physical rehabilitation) administered by the Veterans Health Administration of the United States Department of Veterans Affairs. Employees shall comply with the requirements of DIR's Leave Administration Policy.

Wellness Leave

As a result of the 2007, 80th Legislature, the State Employee Health and Fitness Act of 1983 was amended by House Bill 1297 to allow more flexibility to state agencies for administering their wellness program. Employees are allowed:

- 30 minutes during normal working hours for exercise three times each week, or
- to attend on-site wellness seminars, or
- eight hours of additional leave time each year to an employee who receives a physical examination and completes either an online health risk assessment tool or a similar health risk assessment conducted in person by a worksite wellness coordinator.

Jury Duty

No deduction will be made from the salary or wages of an agency employee who is called for jury service. Employees are not required to account for any fee or compensation received for jury service. DIR may not terminate, threaten to terminate, intimidate, or coerce any permanent employee because the employee serves as a juror, or for the employee's attendance or scheduled attendance in connection with the service. An official signed document reflecting the date(s) served shall be submitted with an *Approval of Time Worked/Leave Taken* form.

Witness Duty

An employee who has been served with a subpoena to appear in a civil, criminal, legislative, or administrative proceeding as a witness in an "official capacity," such as in a state-contested case, will be allowed to do so without any reduction in salary or wages if the employee is not being compensated for appearing as a witness in connection with the case. A nominal witness fee does not constitute compensation. The employee may accept mileage or per diem allowances for expenses incurred while serving as a witness if there is no double reimbursement to the employee for the expenses.

An employee appearing as an expert witness in a non-official capacity, or for the purpose of testifying from personal knowledge, is entitled to accept witness fees or compensation only if such appearances are made on the employee's own time. The employee may use annual or compensatory/overtime leave for the time away from work.

Official, verifying documentation shall be submitted for all witness duty necessitating time away from work.

Court Appointed Special Advocates Leave

Updated December 1, 2021

Employees who attend mandatory training or perform volunteer services for Court Appointed

Special Advocates may be granted five hours of paid leave per month without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time.

The employee shall complete DIR's Special Leave Form prior to taking time to attend mandatory training or perform voluntary services for Court Appointed Special Advocates and submit the completed form to the People and Culture Office to be routed for approval; the request for special leave must be approved prior to the employee taking leave to attend mandatory training or perform voluntary services.

Reserve Law Enforcement Officer Training Leave

Updated December 1, 2021

DIR shall comply with Texas Government Code § 661.922 regarding leaves of absence by reserve law enforcement officers to attend statutorily required training. The employee shall complete DIR's Special Leave Form prior to taking time to attend required training and submit the completed form to the People and Culture Office to be routed for approval; the request for special leave must be approved prior to the employee taking leave to attend required training.

Medical and Mental Health Care Leave for Certain Veterans

Updated December 1, 2021

DIR's Executive Director may grant leave without a deduction in salary or loss of vacation time, sick leave, earned overtime credit or state compensatory time to a state employee who is a veteran to allow the employee to obtain medical and mental health care administered by the Veterans Health Administration.

The employee shall qualify as a veteran as defined by Texas Government Code § 434.023(a) and be eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs.

To be eligible for paid Medical and Mental Health Care Leave as a veteran, employees shall submit a physician's certificate or acceptable statement of facts from the Veterans Health Administration treating physician or facility showing the cause or nature of the illness or injury. The Executive Director may grant up to 15 days each fiscal year. The Executive Director has the discretion to grant additional days of this leave annually.

Leave Without Pay (LWOP)

Updated December 1, 2021

Leave of absence without pay (LWOP) is a temporary, unpaid absence of an employee who intends to return to work. An employee may remain on leave without pay for up to 12 months. Employees are required to use all applicable leave (overtime, compensatory time, and vacation leave) before being granted LWOP. Sick leave may be used before being granted LWOP but is to be used only in those situations that meet the definition of sick leave.

Except in the case of an employee returning to state employment from military leave without pay, any full calendar month during which an employee is on LWOP will **not** be counted as state service credit for the purposes of vacation accrual or longevity pay entitlement. Employees do **not** accrue vacation or sick leave for any full calendar months of LWOP.

Although full calendar months of LWOP do not constitute a break in the continuity of state employment, they are not included in the calculation of continuous months of service when determining eligibility for merit salary increases, vacation leave, and other types of leave, where applicable.

Subject to fiscal constraints, approval of LWOP constitutes a guarantee of employment at the conclusion of the specified leave period. Upon returning from approved LWOP, an employee may return to their original position or receive noncompetitive consideration for a comparable position if the original job is not available.

When an employee is on LWOP for a full calendar month or more, an employee must make arrangements for payment of insurance premiums. An employee going on extended LWOP should contact the People and Culture Office to make arrangements for payment of insurance premiums in order to continue coverage.

Where foreseeable, an employee shall receive approval to take LWOP. If the LWOP is not foreseeable then the employee shall notify their supervisor or the supervisor's designee at the earliest convenience. An employee shall not take more than two weeks of LWOP without approval from their supervisor or the supervisor's designee. The supervisor or supervisor's designee shall notify the People and Culture Office of any temporary, unpaid absence of an employee who intends to return to work.

An employee, their supervisor, and/or the supervisor's designee shall assume diligent responsibility in reporting LWOP in their weekly timekeeping and notifying the People and Culture Office when leave without pay has occurred. The People and Culture Office will communicate an employee's LWOP to the Payroll Officer for the purposes of docking the employee's monthly pay. An employee who is on leave without pay is not entitled to be paid for a holiday.

Exceptions may be made when leave without pay occurs due to disciplinary suspension, active military duty, or workers' compensation claims. Exceptions may also be authorized by the Executive Director or his or her designee.

Administrative Leave for Outstanding Performance

Updated December 1, 2021

State law gives executive directors the authority to grant administrative leave with pay as a reward for outstanding performance. Administrative leave for outstanding performance is not to exceed 32 hours in a fiscal year. The employee's supervisor or the supervisor's designee shall complete DIR's Special Leave Form to reward an employee for outstanding performance and submit the completed form to the People and Culture Office to be routed for approval; the request for administrative leave must be approved prior to notifying the employee of the leave.