

1 **CHAPTER 800. GENERAL ADMINISTRATION**

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3 **ADOPTED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS**
4 **DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO**
5 **FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF SECRETARY OF**
6 **STATE.**

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8 The Texas Workforce Commission (TWC) adopts the following new subchapter to Chapter 800,
9 relating to General Administration, *without* changes, to the proposed text as published in the
10 January 28, 2022, issue of the *Texas Register* (47 TexReg 253):

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12 Subchapter D. Employee Benefits, §800.150 and §800.151

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14 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

15 The purpose of new Chapter 800, Subchapter D is to establish administrative rules relating to the
16 operation of TWC's sick and family leave pools.

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18 Senate Bill 248 from the 73rd Texas Legislature, Regular Session (1993) (codified as Texas
19 Government Code, §§661.001 - 661.008), established the sick leave pool. The sick leave pool is
20 for eligible state employees who have exhausted their sick and personal leave to cover time-and-
21 leave absences for catastrophic and/or life-threatening illnesses and injuries for either the
22 employee or his or her approved family member.

23
24 House Bill (HB) 2063 from the 87th Texas Legislature, Regular Session (2021) (codified as
25 Texas Government Code, §§661.021 - 661.028), established the family leave pool. The family
26 leave pool provides eligible state employees more flexibility in bonding with and caring for
27 children during a child's first year following birth, adoption, or foster placement; and for caring
28 for a seriously ill family member of the employee, including pandemic-related illnesses or
29 complications caused by a pandemic.

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31 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

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33 **SUBCHAPTER D. EMPLOYEE BENEFITS**

34 TWC adopts new Subchapter D, as follows:

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36 **§800.150. Sick Leave Pool**

37 New §800.150 provides eligible employees with additional paid sick leave in documented cases
38 of a catastrophic or life-threatening illness or injury to the employee or the employee's
39 immediate family member.

40
41 **§800.151. Family Leave Pool**

42 New §800.151 provides eligible employees with additional family leave if they have exhausted
43 all eligible compensatory, discretionary, sick, and vacation leave due to certain situations, and
44 have provided proper documentation for using the family leave pool in extenuating
45 circumstances, such as an ongoing pandemic that would include providing care for a family
46 member. The family leave pool further provides eligible employees with the ability to apply for

1 leave time and more flexibility in bonding with and caring for children during a child's first year
2 following birth, adoption, or foster placement; or caring for a seriously ill family member of the
3 employee, including pandemic-related illnesses or complications caused by a pandemic.

4
5 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be
6 within TWC's legal authority to adopt.

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8 **PART III. PUBLIC COMMENTS**

9 The public comment closed on February 28, 2022. No comments were received.

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11 **PART IV. STATUTORY AUTHORITY**

12 The rules are adopted under Texas Labor Code, §301.0015 and §302.002(d), which provide
13 TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the
14 effective administration of TWC services and activities.

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16 The rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302.

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(d) Operation of the pool shall be consistent with Texas Government Code, Chapter 661.