

Texas State Securities Board

Family Leave Pool Policy (effective September 1, 2021)

The Agency has established a family leave pool (the “FL Pool”) for the benefit of employees who qualify for this pool as set forth in this policy.

The purpose of the FL Pool is to provide eligible employees more flexibility in bonding with and caring for children during a child’s first year following birth, adoption, or foster placement; caring for a seriously ill immediate family member or the employee, including pandemic-related illnesses or complications caused by a pandemic; and to allow employees to apply for leave time under the FL Pool.

The FL Pool is made up of contributions of leave from other Agency employees, and employees are encouraged to contribute leave to the FL Pool. If the balance of the FL Pool is exhausted, these benefits may not be available until more time is contributed to the pool.

“Licensed practitioner” means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

“Immediate family” is defined as those individuals who reside in the employee’s household and are related to the employee by kinship, adoption, or marriage. Foster children of the employee who are living in the employee’s household are also included in this definition. An employee’s use of the FL Pool for family members not residing in the employee’s household is limited to the time necessary to provide personal care or services on a continuing basis to the employee’s spouse, child or parent.¹

To the extent possible, requests to use time available in the FL Pool should be made at least six days before commencement of the absence or the exhaustion of other leave. However, an inability to make a request within such a time frame will not be grounds for denial. Neither the full nor partial approval/denial of a request for use of time from the FL Pool would preclude an eligible employee from requesting emergency leave and/or leave without pay for the same purpose/reason.

The Securities Commissioner is the Pool Administrator.

¹ For example, an employee may use the FL Pool to care for employee’s parent whether or not the parent resides in employee’s household, or to care for employee’s parent-in-law who resides in the employee’s household, but may not use the FL Pool to care for employee’s parent-in-law who *doesn’t reside* in employee’s household.

General Provisions

1. Except for the Commissioner, all employees, including those on probationary, provisional, temporary, emergency, hourly or other types of appointments, may apply to use leave from the FL Pool.
2. Employees are not required to contribute to the FL Pool before they can use FL Pool leave.
3. Employees who use FL Pool leave are not required to pay back FL Pool leave.

Use of Time in FL Pool

Employees may use FL Pool leave if the employee has exhausted the employee's eligible compensatory, discretionary, sick and annual leave because of:

1. the birth of a child;
2. the placement of a foster child or adoption of a child under 18 years of age;
3. the placement of any person 18 years of age or older requiring guardianship;
4. a serious illness to an immediate family member or the employee, including a pandemic-related illness;
5. an extenuating circumstance created by an ongoing pandemic, including providing essential care to an immediate family member; or
6. a previous donation of time to the FL Pool.

Subject to the availability of leave remaining in the FL Pool, employees requesting the use of FL Pool leave because of a previous donation of time to the FL Pool may receive only the number of hours they contributed to the FL Pool that fiscal year unless they are otherwise eligible for FL Pool leave because of one or more of the other qualified reasons set forth above.

Required Documentation for FL Pool Leave Request

1. For Care of another Person. An employee who applies to use the FL Pool for a reason described in the above section of this policy to care for another person must submit to the Pool Administrator 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 the other person who is 18 years of age or older and requiring guardianship.
2. For Care of Employee or Immediate Family Member Due to Serious Illness. In addition to the documentation required in the above paragraph, 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 the employee and the

employee 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. The statement must provide sufficient information regarding the illness to enable the Pool Administrator to evaluate the employee's eligibility for the FL Pool.

3. For Care to Immediate Family Member Due to Extenuating Circumstances Created by an Ongoing Pandemic. If the employee is seeking permission to withdraw time because of an extenuating circumstance created by an ongoing pandemic, including providing essential care to an immediate 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 containing sufficient information to enable the Pool Administrator to evaluate the employee's eligibility for the FL Pool.

Contributing Leave to the FL Pool

1. Contributions to the FL Pool are strictly voluntary. The Employee Time Sheet is the form to be used for donating time to the FL Pool and for returning granted but unused hours to the FL Pool.
2. On approval by the Pool Administrator, an employee may contribute one or more days of the employee's accrued sick or annual leave.
3. Employees who make contributions to the FL Pool may not stipulate who is to receive their contributions.
4. Employees will be encouraged to contribute to the FL Pool at the time of their separation from state employment. A retiring employee may designate the number of accrued sick or annual leave hours to be used for retirement credit and the number of hours to be donated to the FL Pool.
5. Employees who contribute leave to the FL Pool cannot get it back unless they are eligible to use it.

Requesting to Use Leave from the FL Pool

1. Requests for FL Pool leave will be forwarded to the Pool Administrator through appropriate supervisory channels, and will be considered by the Pool Administrator on a first-come, first-served basis.
2. The request must be accompanied by the documentation required as set forth above.

3. The Pool Administrator will have five work days from the date request is received in which to determine whether the employee is eligible for the FL Pool benefits and for what number of hours.
4. The number of hours of FL Pool leave granted for each approved request will be determined by the Pool Administrator. The amount cannot exceed one-third of the balance of hours in the FL Pool, or 90 days, whichever is less.
5. The Pool Administrator may consider whether the employee has been previously granted FL Pool leave under a prior request in determining eligibility for additional requests, and in determining the number of hours of FL leave to be granted pursuant to additional requests.
6. Any unused balance of FL Pool leave granted to an employee returns to the FL Pool. The estate of a deceased employee is not entitled to payment for unused FL Pool leave.