

## LEAVE POLICIES

Division Directors are responsible for ensuring that taking leave does not interfere with the ability of the Division to perform its normal functions. Before leave will be granted, employees should coordinate their taking of leave with their supervisor or Division Director. Division Directors must coordinate their taking of leave with the Securities Commissioner.

### Annual Leave

An employee is entitled to a paid vacation as determined by his or her length of service. Annual and sick leave does not accrue each month until the employee reports to work for that month. Credit will be given for each month or fraction of a month of employment and will be posted to the employee's leave record on the first day worked of each month of employment.

Annual leave may not be taken until an employee has been continuously employed with the state for six months. Before leave will be granted, employees must follow the request procedure established for their Division by the Division Director. An employee should provide as much advance notice to the Division Director as possible. An employee who separates from state employment is entitled to be paid for accrued and unused vacation time if the employee has had continuous employment for at least six months.

The following table reflects the annual leave accrual rates and maximum allowable carry-over from one fiscal year to the next for full-time employees.

#### Schedule of Annual Leave Accruals for Full-Time Employees

<u>Hours Accrued Length of State Service</u>	<u>Allowable Per Month</u>	<u>Carry-Over</u>
Less than 2 years	8	180
At least 2 but less than 5 years	9	244
At least 5 but less than 10 years	10	268
At least 10 but less than 15 years	11	292
At least 15 but less than 20 years	13	340
At least 20 but less than 25 years	15	388
At least 25 but less than 30 years	17	436
At least 30 but less than 35 years	19	484
At least 35 years or more	21	532

### Overtime and Compensatory Leave

Employees may claim on their time sheets and thus accrue overtime for time worked, including travel, which exceeds their normal work week. Such time may not be claimed in less than one-quarter hour increments.

Overtime earned by employees may be taken as compensatory leave. Before leave will be granted, employees must follow the request procedure established for their Division by the Division Director. An employee should provide as much advance notice to the Division Director as possible.

Overtime not taken as compensatory leave lapses automatically on the last day of the twelfth month following the month in which it was accrued.

Support personnel may not accumulate overtime without the prior express permission of a Division Director. Such an employee accrues compensatory leave at the rate of 1.5 hours for each overtime hour worked. If the Securities Commissioner determines in a particular case it is impractical for such an employee to take all overtime earned by the employee, the employee will receive compensation at one and one-half times the regular rate of pay as calculated on an hourly basis.

### **Sick Leave**

Employees begin earning entitlement for paid sick leave on the first day of employment. Credit for each month or each fraction of a month will be given and posted on the employee's leave record on the first day worked of each month of employment. An employee on leave on the first day of a month may not use the sick leave that the employee accrues for that month until after the employee returns to duty.

Employees accrue sick leave at the rate of eight hours per month of full-time employment. Part-time employees accumulate sick leave on a basis proportionate to time worked. Sick leave accumulates each month and there is no limit to the amount which may be accrued.

Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of his or her job or when the employee is needed to care for and assist a member of his or her immediate family who is ill. For purposes relating to regular sick leave, immediate family is defined as those individuals who reside in the same household and are related by kinship, adoption, or marriage, and foster children certified by the Texas Department of Family and Protective Services. Minor children of the employee, whether or not living in the same household, will be considered immediate family for purposes of regular sick leave.

An employee's use of sick leave for family members not residing in that employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child, or parent of the employee who needs such care and assistance as a direct result of a documented medical condition.

An employee who is absent because of illness must notify his or her Division Director at the earliest opportunity.

To be eligible for sick leave with pay for a continuous period of more than three working days, an employee must deliver to their Division Director an acceptable written statement

of facts or a doctor's certification explaining the nature of the illness. The Division Director shall forward the statement or certificate to Staff Services.

An employee may donate any amount of the employee's accrued sick leave to another employee at the Agency. The employee who receives the donated leave must have exhausted his or her sick leave, including any time the individual may be eligible to withdraw from the sick leave pool. An employee may not provide or receive remuneration or a gift in exchange for a sick leave donation. Any sick leave donated to an employee that is unused on the last day of his or her employment will not count toward state service credit. Donation of sick leave is taxable to the recipient when the sick leave is used.

### **Sick Leave Pool**

A sick leave pool ("SL Pool") has been established by the Agency for the benefit of employees who suffer a catastrophic injury or illness. A catastrophic injury or illness is defined to be 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 forces the employee to exhaust all leave time earned by that employee and lose compensation from the State.

Certain elective surgery (*i.e.*, surgery that is not medically necessary or is performed for non-medical reasons) and pregnancy are not considered catastrophic conditions for purposes of the SL Pool or extended sick leave, except when life-threatening complications arise from them.

"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 related to the employee by kinship, adoption, or marriage. An employee's foster children who are also certified by the Department of Family and Protective Services and who are living in the employee's household are also included in this definition. An employee's use of the SL Pool for family members not residing in the employee's household is limited to family members who are totally dependent upon the employee for personal care or services on a continuing basis.

The SL Pool is established for the benefit of employees who have a catastrophic illness or injury. It is supported by the generous donation of hours by employees who accrue sick leave they never use. It is a "gift" from individual employees to benefit their co-workers faced with significant and usually unforeseen medical needs. It is not intended to be a source of leave for employees who routinely exhaust their accrued leave, then come upon a need for significant time off.

To the extent possible, requests to use time available in the SL 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 pool

would preclude an eligible employee from requesting emergency leave and/or leave without pay for the same injury or illness.

The Securities Commissioner is the SL Pool Administrator.

### 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 sick leave from the SL Pool.
2. Employees may use SL Pool leave for their own catastrophic illness or injury or for one in their immediate family, as defined above.
3. Employees may also request the use of sick leave from the SL Pool if they contributed sick leave to the pool and then exhausted their sick leave balance in the same fiscal year as the contribution. Subject to the availability of leave remaining in the pool, such employees may receive only the number of hours they contributed to the pool that fiscal year unless they suffer a catastrophic illness or injury.
4. Employees must exhaust all accrued leave before they are eligible to use leave from the SL Pool. Exception: employees who are off work due to an on-the-job injury or illness are not required to exhaust their annual or compensatory leave.
5. Employees with catastrophic illnesses or injuries are not required to contribute to the SL Pool before they can use leave from the pool.
6. Employees who use SL Pool leave are not required to pay back leave to the pool.

### Contributing Sick Leave to the SL Pool

1. Contributions to the SL Pool are strictly voluntary. Employees may donate to the SL Pool and return granted but unused hours to the pool through CAPPs.
2. On approval by the SL Pool Administrator, an employee may contribute one or more days of the employee's accrued sick leave.
3. Employees who make contributions to the SL Pool may not stipulate who is to receive their contributions.
4. Employees will be encouraged to contribute to the SL Pool at the time of their separation from state employment. A retiring employee may designate the number of accrued sick leave hours to be used for retirement credit and the number of hours to be donated to the pool.

5. Employees who contribute leave to the SL Pool cannot get it back unless they are eligible to use it.

#### Requesting to Use Leave from the SL Pool

1. Requests for leave from the SL Pool will be forwarded to the SL Pool Administrator in writing through appropriate supervisory channels, and will be considered by the Administrator on a first-come, first-served basis.
2. The employee should indicate in the request the number of hours requested from the SL Pool. The request must also be accompanied by a written statement from the practitioner treating the employee or the employee's immediate family. The statement must provide sufficient information regarding the injury or illness to enable the SL Pool Administrator to evaluate the employee's eligibility.
3. The SL Pool Administrator will have five work days from the date a request is received in which to determine whether the employee is eligible for SL Pool benefits and for what number of hours, if any, are granted.
4. The amount of leave granted from the SL Pool for each catastrophic illness or injury will be determined by the SL Pool Administrator. The amount cannot exceed one-third of the balance of hours in the pool, or 90 days, whichever is less.
5. Any unused balance of leave granted to an employee from the SL Pool returns to the pool. The estate of a deceased employee is not entitled to payment for unused leave from the pool.

#### **Extended Sick Leave**

Relief under the Extended Sick Leave policy is to be sought as a last resort. In the event of a catastrophic illness or injury as defined in connection with the Sick Leave Pool, employees should first seek relief through the pool.

Recognizing that a serious injury or a major illness may constitute a justifiable need for extended sick leave after all accrued leave (sick, annual/vacation, compensatory) has been exhausted, the Securities Commissioner will determine whether to grant extended sick leave. Such a determination will be based on these criteria:

1. The employee must have been employed by the Agency for at least 6 months.
2. The employee must have exhausted all accrued leave (sick, annual/vacation, compensatory).
3. The employee's job performance must be satisfactory as certified by the employee's Division Director.

4. The employee's request must include the attending physician's statement (a) outlining the injury or illness, anticipated treatment, expected duration and anticipated date of the employee's return to work, and (b) expressing the opinion that the employee's illness or injury will not prevent the employee from returning to work on a full-time basis for over 6 months after the exhaustion of all other leave by the employee.
5. The employee must affirm in writing an intention to return to work at the Agency when advised by the attending physician he or she may do so.

### Procedure

An employee requesting extended sick leave will make a written request to his or her Division Director. The request shall include the circumstances, the amount of extended sick leave requested, the attending physician's statement, and a statement of intention to return to the job when released by the physician. The employee's Division Director will review the request for completeness and prepare a written statement covering items 3 and 4 above. The Division Director may also make general comments on the employee's request. The Division Director's statement and employee's request will be forwarded without delay to the Securities Commissioner.

The employee will be notified of the Securities Commissioner's decision, and if extended sick leave is approved, the Director of Staff Services will be notified and a copy of the approval placed in the personnel file.

Extended sick leave will not be granted for minor illness or injury. In no event will the amount of extended sick leave to be granted exceed the greater of one-half of the balance of the employee's sick leave immediately before the absence created by the illness or injury in question or 20 work days.

This policy does not apply to an employee injured on the job and thus eligible for workers' compensation benefits.

A statement reflecting the amount of extended sick leave granted and the reasons for such leave will be attached to the Agency's payroll documentation for the applicable payroll period.

### **Parental Leave**

#### Paid Parental Leave under TGC 661.9125. (New)

*Employees who have given birth and qualify for leave under TGC 661.9125 (Family and Medical Leave Act (FMLA)) may be granted 40 days of paid leave during their 12 weeks of FMLA leave following the birth of the child.*

*An employee who takes FMLA leave for the birth of a child by the employee's spouse; birth of a child by a gestational surrogate; or for the adoption of a child may be granted 20 days of paid leave during their 12 weeks of FMLA leave.*

*Employees are not required to use all available paid annual vacation and sick leave before being eligible for paid parental leave. Paid parental leave may only be taken following the birth or placement of a child and must be taken continuously.*

### Parental Leave under TGC 661.913 (Unpaid)

Employees who do not qualify for FMLA leave because they have fewer than 12 months of total state service are eligible to take an unpaid parental leave of absence, not to exceed 12 weeks, for the birth of a natural child or the adoption of a child under three years of age. Employees may elect to use any combination of available sick leave, annual/vacation leave, compensatory time off, or leave without pay for this period. Using sick leave for this purpose is limited to situations falling within the definition of sick leave contained in the Texas Government Code.

### **Foster Parent Leave**

An employee who is a foster parent to a child under the protection of the Texas Department of Family and Protective Services (DFPS) is entitled to a paid leave of absence to attend staff meetings held by DFPS regarding the foster child. In addition, the employee may use this leave to attend the Admission, Review, and Dismissal meetings held by a school district regarding the foster child.

### **Educational Activities**

An employee may use up to eight hours of sick leave per year to attend educational activities for any child who is a student attending a grade from pre-kindergarten through 12th grade. Educational activities are school-sponsored activities such as parent-teacher conferences, tutoring, volunteer programs, field trips, classroom programs, school committee meetings, academic competitions, and athletic, music, or theater programs. An employee must provide advance notice to his or her supervisor before taking such leave.

### **Family and Medical Leave**

In compliance with the Family Medical Leave Act (FMLA), the Agency provides qualified employees with up to 12 weeks of unpaid leave per year for one or more of these qualified reasons:

1. For the birth and subsequent care of the employee's newborn child;
2. For the placement of a child with the employee for adoption or foster care or through a guardianship proceeding, and to care for that child;

3. To care for the employee's spouse, child or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of his or her job.

A "qualified employee" is one employed by the state for at least 12 months at the time the leave is to begin and who has worked at least 1,250 hours during the preceding 12 months period before the leave begins.

A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a licensed health care provider.

An employee must use all available and applicable paid vacation and sick leave while taking leave under FMLA. Compensatory time and Fair Labor Standards Act (FLSA) overtime are not required to be used for a FMLA covered event and, if used, compensatory time and FLSA overtime are not counted as part of an employee's 12 week leave entitlement. Also, an employee receiving temporary disability benefits or workers' compensation benefits is not required to first use applicable paid vacation or sick leave while receiving those benefits.

After all paid leave is used, the balance of the leave taken under FMLA will be unpaid. During this time the state will continue to pay for the state paid portion of the employee's coverage under the group health plan.

Upon returning to work, an employee who has taken leave under FMLA will be returned to the same job or to a job with equivalent status and pay. Failure of the employee to report back to work at the end of the prescribed period without prior written approval from his or her Division Director will be considered abandonment of the employee's position and may result in termination of employment.

An employee is not entitled to state service credit for any full calendar month of leave without pay taken while on leave under FMLA. Further, any full calendar month of leave without pay shall not be included in the calculation of the 12 continuous months of employment required for eligibility for a merit salary increase.

Staff Services administers FMLA leave in accordance with federal law and regulations. An employee must alert his or her supervisor of his or her need to take leave that may be FMLA qualifying, including the anticipated timing and duration of leave. Written notice of intent to take leave under FMLA must also be provided to the Director of the Staff Services Division. The notice should include the date on which leave will commence. A medical certification issued by the employee's health care provider is also required. Forms WH-380-E, FMLA Certification of Health Care Provider for Employee's Serious Health Condition, and WH-380-F, FMLA Certification of Health Care Provider for Family Member's Serious Health Condition, issued by the U.S. Department of Labor are suggested for the medical certification.



All medical information submitted in connection with a request for FMLA leave is stored in a confidential file in Staff Services, separate from the employee's personnel file.

Additional rules apply depending on the reasons for leave; contact Staff Services for more information.

When the Agency determines leave is for an FMLA-qualifying reason, Staff Services will designate the qualifying leave as FMLA-protected, and employees are required to code leave taken in CAPPS as FMLA leave. Staff Services will notify the employee and their supervisor when leave has been designated as FMLA protected leave.

Once FMLA leave is granted, an employee may be required to provide updated medical information and reports on the employee's intent to return to work on a periodic basis.

### **Family Leave Pool**

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.<sup>7</sup>

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

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<sup>7</sup> 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.

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 FL Pool Administrator.

### 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 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 a request to the FL 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 FL 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 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 FL 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. Employees may donate to the FL Pool and return granted but unused hours to the FL Pool through CAPPs.
2. On approval by the FL 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. Leave donated to the FL Pool will be taxable to the employee who makes the donation.
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 must be in writing and will be forwarded to the FL Pool Administrator through appropriate supervisory channels, and will be considered by the Administrator on a first-come, first-served basis.
2. The request must include the number of hours requested from the FL Pool and be accompanied by the documentation required as set forth above.
3. The FL Pool Administrator will have five work days from the date a request is received in which to determine whether the employee is eligible for the FL Pool benefits and for what number of hours, if any, are granted.
4. The number of hours of FL Pool leave granted for each approved request will be determined by the FL 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 FL 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.

## **Emergency Leave**

A state employee is entitled to emergency leave without a deduction in salary because of a death in the employee's family. The death of the employee's spouse or of a parent, brother, sister, grandparent, grandchild, or child of the employee or of the employee's spouse is considered a death in the employee's family. The Securities Commissioner may determine that another reason, such as out-of-state travel related to a death in the employee's family, is sufficient for granting emergency leave to an employee who has shown good cause for taking emergency leave.

Ordinarily, an employee may be granted up to 80 hours of emergency leave for the death of a spouse, parent or child, and up to 24 hours for the death of a brother, sister, grandparent or grandchild. Comparable leave may be granted for a death in the family of an employee's spouse. The amount of emergency leave for part-time employees will be calculated on a proportional basis.

If possible, a request for emergency leave should be submitted before leave is taken. Once an employee returns to work, an emergency leave grant will terminate unless reapproved by the Commissioner on the basis of unusual and extenuating circumstances.

The Commissioner may determine that other reasons are sufficient for granting emergency leave and may grant emergency leave when the Commissioner determines there is good cause for such leave. However, emergency leave will not be granted to an employee unless the Commissioner believes the employee intends to return to the employee's position when the emergency leave is exhausted.

### Weather Closures

When emergency leave is granted by the Securities Commissioner and the office is closed for all or part of a business day (closure date), the amount of emergency leave granted is based on the normal office hours of the Agency – 8 a.m. to 5 p.m., Monday through Friday – regardless of an individual employee's work schedule.

Essential personnel may be required to work all or part of a closure date. An employee who works on a closure date may take the unused emergency leave within 10 business days of the closure date. In such cases, advance notice must be given to the employee's supervisor before the unused leave is taken.

Emergency leave for a part-time employee is proportionally reduced to account for the fewer hours the employee normally works.

An employee who had previously scheduled time off (e.g., annual, compensatory, administrative leave) on a closure date may claim emergency leave in lieu of the type of leave originally intended. The amount of emergency leave authorized is calculated as if the employee had been scheduled to work on the closure date.

The Commissioner may grant emergency leave to employees operating out of a particular designated headquarters of the Agency, rather than Agency-wide.

### Fitness Leave

Employees may earn fitness leave as an incentive or award for fulfilling the requirements of an Agency-wide wellness activity or contest. Fitness Leave is a subcategory of Emergency Leave and must be approved by the Securities Commissioner before the beginning of the activity or contest.

Employees are permitted to earn up to 16 hours of Fitness Leave per fiscal year. Fitness Leave earned does not expire, but will not be paid to an employee upon separation from employment.

Fitness Leave earned should be coded as "Other" in CAPPS and verification of the time awarded should be provided to Staff Services and the employee's supervisor when Fitness Leave is taken.

## **Leave Without Pay**

Full-time employees are expected to work a minimum of 40 hours per week, subject to the proper use of available leave. Part-time employees are expected to work the number of hours designated by their Division Director. An employee absent from work who has exhausted all available leave will be placed on "Leave Without Pay" status. If it appears that leave balances are likely to be exhausted, the employee must discuss the matter with his or her Division Director as soon as possible. The Director will notify the Director of Staff Services to ensure proper payroll processing.

## **Jury and Witness Duty**

An employee who has received notification of jury service (including grand jury) shall promptly notify his or her Division Director. An employee is entitled to serve on a jury without any deduction from wages. Any compensation received for jury service need not be accounted for by the employee.

A copy of the jury summons or witness subpoena should be submitted to the employee's Division Director providing as much advance notice as possible.

An employee called to appear in an official capacity in any judicial action or legislative proceeding may not accept any witness fee for such an appearance. Employees may receive per diem, expense reimbursements, and mileage allowances for serving as a witness in an official governmental capacity.

An employee is prohibited from being a witness in any private civil action or arbitration proceeding involving a matter subject to the jurisdiction of the Agency without the prior authorization from the Securities Commissioner or a court order compelling the testimony, unless the employee is a party to the action or proceeding. If an employee is subpoenaed to testify in a private civil action or arbitration proceeding involving a matter subject to the jurisdiction of the Agency, the employee must promptly advise his or her Division Director so a determination can be made whether the Agency should seek a protective order.

## **Voting**

Employees will be allowed sufficient time off to vote without deduction from pay or leave time accrued to vote in each national, state, or local election on the designated election day in which an employee is eligible to vote. The Securities Commissioner may also grant similar, sufficient leave for employees to vote in person during the early voting period for elections. The authorized dates and approved leave amounts will be determined prior to the election. An employee must coordinate such time off in advance with his or her supervisor or Division Director.

## **Administrative Leave for Outstanding Performance**

An employee (other than the Securities Commissioner) may be granted administrative leave with pay by the Securities Commissioner as a reward for outstanding job performance. The outstanding performance must be documented by employee performance appraisals and in a memorandum from the employee's Division Director submitted to the Securities Commissioner before such leave will be considered. Paid administrative leave for outstanding job performance may not exceed 32 hours in any fiscal year.

## **Other Miscellaneous Types of Leave**

### Leave During Agency Investigation

The Securities Commissioner may grant leave without a deduction in salary to an 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. An employee who is the subject of an investigation being conducted by Agency is ineligible to receive leave for that reason under any other category of leave.

### Military, Veterans, and Law Enforcement Related Leave

Military Leave. Employees who qualify are eligible for paid and unpaid military leave for training, active service, or other ordered duty as allowed by law and provided in this policy. These provisions include leave for employees who are members of the Texas military forces, members of reserve components of the US armed forces, and members of an authorized urban search and rescue team. A copy of the military orders should be submitted to the employee's Division Director providing as much advance notice as possible to determine the types and amounts of military leave the employee may use. The employee may carry over certain military leave from one fiscal year to the next.

Medical and Mental Health Care Leave for Certain Veterans. Certain employees who are veterans and are eligible for health benefits under a program administered by the Veterans Health Administration of the United States Department of Veterans Affairs (the "VHA") may be granted up to 15 days each fiscal year of leave without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or compensatory time to obtain medical or mental health care administered by the VHA, including physical rehabilitation. The Securities Commissioner may annually grant additional days of leave for this purpose as the Commissioner determines appropriate for the employee.

Reserve Law Enforcement Officers. An employee who is a reserve law enforcement officer is entitled to a leave of absence not to exceed five working days every fiscal biennium without a deduction in salary to attend continuing education training required under Section [1701.351](#), Occupations Code.

## Leave for Volunteer Activities

Volunteer Firefighters, Emergency Medical Services Volunteers, and Search and Rescue Volunteers. An employee who is a volunteer firefighter, an emergency medical services volunteer or a search and rescue volunteer is entitled to a leave of absence for up to five working days in a fiscal year without a deduction in salary to attend fire service, emergency medical services, or search and rescue training conducted by a state agency or institution of higher education.

Court Appointed Special Advocates Volunteer. An employee may be granted leave not to exceed five hours each month to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or compensatory leave.

Volunteer of Texas Voluntary Organizations Active in Disaster. 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 to exceed 10 days each fiscal year 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 leave is taken:

- for services in which the employee participates are provided for a state of disaster declared by the Governor under Chapter 418 of the Government Code;
- with the authorization of the employee's supervisor; and
- with the approval of the Securities Commissioner.

Texas Volunteer Organizations Active in Disaster (TX VOAD) is a 501(c)(3) nonprofit membership organization that brings together over 50 volunteer organizations that respond to disaster as part of their overall mission. Members of TX VOAD include the American Red Cross.

## Assistance Dog Training for Employees with a Disability

An employee who is a person with a disability, as defined by [Section 121.002](#) Human Resources Code, is entitled to a leave of absence for up to 10 working days in a fiscal year without a deduction in salary for the purpose of attending a training program to acquaint the employee with an assistance dog to be used by the employee.

## Leave for Organ or Bone Marrow Donors or Donation of Blood

An employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence may not exceed five working days in a fiscal year to serve as a bone marrow donor; or 30 working days in a fiscal year to serve as an organ donor.

Agency employees will be allowed sufficient time off to donate blood not more than four times in a fiscal year without deduction from pay or leave accrued, provided that upon



returning to work, the employee must provide his or her supervisor or Division Director with proof that the employee donated blood during the time off. An employee must coordinate such time off in advance with his or her supervisor or Division Director.

### Amateur Radio Operators

An employee who holds an amateur radio station license issued by the Federal Communications Commission may be granted leave not to exceed 10 days each fiscal year to participate in specialized disaster relief services without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or compensatory time if the leave is taken with the authorization of the employee's supervisor and with the approval of the Governor.