

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 **ON APRIL 12, 2022, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES**
9 **BELOW WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER.**

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11 Publication Date of the Adoption in the *Texas Register*: **April 29, 2022**

12 The Rules are Effective: **May 2, 2022**

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

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

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

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

23
24 Senate Bill 248 from the 73rd Texas Legislature, Regular Session (1993) (codified as Texas
25 Government Code, §§661.001 - 661.008), established the sick leave pool. The sick leave pool is
26 for eligible state employees who have exhausted their sick and personal leave to cover time-and-
27 leave absences for catastrophic and/or life-threatening illnesses and injuries for either the
28 employee or his or her approved family member.

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

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

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39 **SUBCHAPTER D. EMPLOYEE BENEFITS**

40 TWC adopts new Subchapter D, as follows:

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42 **§800.150. Sick Leave Pool**

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

1 **§800.151. Family Leave Pool**

2 New §800.151 provides eligible employees with additional family leave if they have exhausted
3 all eligible compensatory, discretionary, sick, and vacation leave due to certain situations, and
4 have provided proper documentation for using the family leave pool in extenuating
5 circumstances, such as an ongoing pandemic that would include providing care for a family
6 member. The family leave pool further provides eligible employees with the ability to apply for
7 leave time and more flexibility in bonding with and caring for children during a child's first year
8 following birth, adoption, or foster placement; or caring for a seriously ill family member of the
9 employee, including pandemic-related illnesses or complications caused by a pandemic.

10
11 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be
12 within TWC's legal authority to adopt.

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14 **PART III. PUBLIC COMMENTS**

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

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17 **PART IV. STATUTORY AUTHORITY**

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

21
22 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.