

Chapter 8 - Leave, Time and Attendance	
Section 8.01 - Work Hours and Breaks	
Policy	State agencies are required to be open between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. State law also requires state offices to be open during the lunch hour each working day with at least one person on duty to accept calls, receive visitors, and conduct business.
Rules	<ol style="list-style-type: none"> 1) Each full-time employee must account for a minimum of 40 hours in a workweek. Normal office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. These are the normal work hours for full-time employees who are not participating in staggered or compressed work hours or voluntary work reduction programs. 2) A state agency is allowed to stagger its workforce's workday. Therefore, TWDB supervisors must discuss work schedule, exercise requests (per the TWDB Wellness Program and Policy and Chapter 6.04 of the Employee Handbook), and lunch period options with their employees (to include flextime options). 3) Employees should submit their work schedule and exercise requests in writing to their supervisor. Supervisors are responsible for approving all work schedules within their respective areas. Human Resources may provide details regarding CAPPS HR coding and work schedule changes. 4) Supervisors may allow employees to take 30 minutes, three times per week for pre-scheduled and approved exercise activities during normal working hours. <ol style="list-style-type: none"> a) 30-minute exercise blocks may not be used at the beginning or end of an employee's work schedule to delay arrival or leave early. *Exceptions require approval of the employee's DEA or the Executive Administrator. b) 30-minute exercise blocks may not be combined to provide for longer exercise periods. c) Each 30-minute exercise block must be used on different days of the week. d) Exercise time is not cumulative and may not be carried forward or saved for future use. e) Supervisors are encouraged but not required to grant employees time each week as workload and coverage responsibilities permit. f) Employees are responsible for documenting exercise time on their timesheet. g) Employees are not required to make up time taken for approved exercise. h) Written supervisory approval must be obtained at a minimum for each fiscal year. i) Employees must work 30 hours or more a week to qualify for paid time off for exercise activities. 5) If workload permits, employees may take two informal 15-minute breaks (one in the morning and one in the afternoon). <ol style="list-style-type: none"> a) Break periods are considered a benefit, not an entitlement. Supervisors must ensure that staff breaks do not adversely impact business operations. b) Supervisors are responsible for approving all break schedules within their respective areas. c) Breaks and lunch periods may not be combined to shorten the workday. 6) TWDB supports the practice of nursing mothers expressing breast milk in the workplace in addition to making reasonable accommodations for the needs of employees who express breast milk. These employees will be provided a private space, other than a multiple user bathroom, that is shielded from view and free from intrusion from coworkers and the public. Nursing mothers may utilize designated spaces as identified by Human Resources for primary and backup usage. 7) TWDB employees who work part-time must work the designated number of hours per week less than 40. When a supervisor notices that part-time employment consistently requires that the employee work below or beyond the normal work hours, the supervisor should consult with Human Resources about reviewing the employee's part-time employment status.
Responsibility	Staff Supervisors Human Resources Division

Authorization	<ul style="list-style-type: none">✓ Texas Government Code Chapter 658✓ Texas Health and Safety Code Chapter 1657✓ Texas Government Code § 664.061(1)
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Chapter 8 - Leave, Time and Attendance

Section 8.02 - Holidays

Policy

Texas Water Development Board (TWDB) employees are entitled to a paid day off from work on national, state, and optional holidays observed by the State.

Rules

1) Holidays

The Legislature classifies various holidays into three categories:

- a) national holidays
 - i. New Year's Day
 - ii. Martin Luther King, Jr. Day
 - iii. President's Day
 - iv. Memorial Day
 - v. Independence Day
 - vi. Labor Day
 - vii. Veterans Day
 - viii. Thanksgiving Day
 - ix. Christmas Day
- b) state holidays
 - i. Confederate Heroes Day
 - ii. Texas Independence Day
 - iii. San Jacinto Day
 - iv. Emancipation Day in Texas
 - v. Lyndon Baines Johnson Day
 - vi. The Friday after Thanksgiving Day
 - vii. December 24
 - viii. December 26, and
- c) optional holidays
 - i. Rosh Hashanah
 - ii. Yom Kippur
 - iii. Good Friday
 - iv. Cesar Chavez Day
- d) A list of official state holidays is located on the lweb. TWDB employees will be notified on the handling and timesheet coding for each national and state holiday.
- e) TWDB employees are entitled to a paid day off from work on each state and national holiday if:
 - i. the holiday does not fall on a Saturday or Sunday and
 - ii. the employee is not on leave without pay.

2) State Holidays

The TWDB must have enough employees on duty to conduct public business with the exception of those state holidays that fall on a Saturday or Sunday, the Friday after Thanksgiving Day, December 24 or December 26. When employees must work on a state holiday, they will be granted compensatory time off. Employees must use the holiday compensatory time within the 12-month period following the holiday worked. State holidays are also called skeleton crew days.

3) Optional Holidays

- a) A TWDB employee is entitled to a paid day off on an optional holiday that does not fall on a Saturday or Sunday, provided the employee is not on leave without pay.
- b) A TWDB employee may take one of the optional holidays instead of a skeleton holiday during the same fiscal year. Human Resources should be notified for timekeeping purposes.
- c) If the employee takes off one of the optional holidays, he or she must specify to his or her supervisor which state holiday is being replaced; the supervisor must then notify Human Resources.
- d) Optional holidays cannot be substituted for national holidays, the Friday after Thanksgiving Day, December 24 and December 26.

4) Part-Time Employees

Holiday pay for part-time employees scheduled to work on the holiday will be granted on a prorated basis.

	<p>5) Employee Transfers to Another State Agency</p> <p>a) TWDB has no authority to transfer accrued holiday compensatory time between state agencies.</p> <p>b) If a state or national holiday fall between the periods an employee transfers from one state agency to another without a break in service, the receiving agency pays for the holiday.</p> <p>6) Separated and Terminated Employees</p> <p>An employee remaining on the payroll while exhausting unused vacation leave will receive payment for any holiday that the employee would have observed had he or she remained on the payroll.</p>
Responsibility	<p>Staff Supervisors Human Resources Division Accounting Division</p>
Authorization	<p>✓ Texas Government Code Chapter 661 ✓ Texas Government Code Chapter 662</p>
Eligibility	<p>1) All hourly, temporary, and part-time TWDB employees are also entitled to the same holidays with pay granted to the full-time employees, provided the employee was scheduled to work on the holiday. Contract employees are not eligible.</p> <p>2) If the holiday falls on the first workday of the month, the employee must be a state employee on the day immediately after the holiday to be paid.</p> <p>3) If the holiday falls on the last workday of the month, the employee must be a state employee on the day immediately before the holiday to be paid.</p> <p>4) To be paid for a holiday that falls in mid-month (other than first or last workday of the month), the employee must be a state employee on the day before and the day after the holiday. A state employee includes someone who is using paid leave from a state agency. It does not include an individual who is taking leave without pay.</p>
Definitions	<p><u>Weekend Holidays</u>: Offices will not be closed on another day when designated holidays fall on a Saturday or Sunday.</p> <p><u>Skeleton Crew Holidays</u>: A state agency must have enough state employees on duty to conduct business during designated skeleton crew holidays. Compensatory time off during the 12-month period following the holiday worked will be allowed for this duty.</p> <p><u>Optional Holidays</u>: A state employee is entitled to observe either Rosh Hashanah, Yom Kippur, Good Friday, or Cesar Chavez Day in lieu of any state holiday where a skeleton crew is required.</p>

Chapter 8 - Leave, Time, and Attendance

Section 8.03 - Annual Leave

Policy TWDB employees accrue annual (or vacation) leave each month based on state tenure.

- Rules**
- 1) Supervisory approval must be obtained before a TWDB employee takes vacation leave.
 - 2) Vacation leave should be scheduled as far in advance as possible, so supervisors are able to coordinate work schedules and tasks.
 - 3) Hours accrued per month for full-time employees and the maximum carryover at the end of each fiscal year are:

Length of State Service	Hours Accrued Per Month	Maximum Carryover
Less than 2 years	8	180
2 but less than 5 years	9	244
5 but less than 10 years	10	268
10 but less than 15 years	11	292
15 but less than 20 years	13	340
20 but less than 25 years	15	388
25 but less than 30 years	17	436
30 but less than 35 years	19	484
35 years or more	21	532

- 4) When a TWDB employee is on leave the first business day of the month, vacation leave accruals will not be posted until the date of the employee's actual first day of work in the month.
- 5) Part-time employees are eligible for vacation leave accrued on a prorated basis. Part-time employees' maximum carryover is also prorated.
- 6) Separated and Terminated Employees
 - a) TWDB employees who are dismissed, resign, or otherwise separate from state employment are entitled to be paid for all unused vacation leave accrued at the time of separation from the state, unless they have been employed continuously by the state for less than six months prior to separation.
 - b) If the TWDB agrees, an employee resigning from state employment may remain on the payroll after the last physical day on duty to use vacation leave instead of receiving a lump sum payment. No additional vacation leave will be accrued when a separated employee is on the payroll exhausting vacation leave.
 - c) An employee remaining on the payroll while using accrued vacation leave will continue to receive longevity pay, retirement deductions, and state-paid insurance coverage.
- 7) Interagency Transfers
 - a) When an employee transfers from one state agency to another, his or her vacation leave balance is transferred to the receiving agency. The vacation leave balance is transferred only when
 - i) the employment is continuous; or
 - ii) the employee separates from employment and is re-employed within 30 days by a state agency to a position that accrues vacation leave.
 - b) A "break in service" is considered a short period between employment from one state agency to another and constitutes an interruption in state employment that requires payment for the unused vacation leave.
 - c) When an employee is transferring to another state agency, he or she should contact the Human Resources Division for information on break in service rules.
- 8) A lump sum payment for accrued unused vacation leave will be paid to his or her estate upon the death of any TWDB employee who has completed six continuous months of state service.

	9) If a holiday approved by the Legislature occurs during an employee's vacation leave period, the holiday is not charged against the employee's vacation leave.																				
Responsibility	Staff Supervisors Human Resources Division Accounting Division																				
Authorization	✓ Texas Government Code Chapter 661																				
Eligibility	<p>1) A TWDB employee who has 6 continuous months of state service is eligible to use vacation leave on the first day of employment. This rule applies to return- to-work retirees, regardless of retirement and rehires dates.</p> <p>2) Vacation leave accruals for return-to-work retirees are based on retirement and rehire dates.</p> <table border="1"> <thead> <tr> <th>Retirement Date</th> <th>Rehire Date</th> <th>Accrual Rate</th> <th>Example</th> </tr> </thead> <tbody> <tr> <td>On or Before 5-31-2005</td> <td>Prior to 9-1-2005</td> <td>Accruals based on total state service (no change).</td> <td>If the retiree retired 5-31-2005 and returned to work on 7-1-2005, his July, August and September vacation accruals would use his total state service in the calculation just as before retirement.</td> </tr> <tr> <td>On or Before 5-31-2005</td> <td>After 9-1-2005</td> <td>Accruals based on total state service (no change).</td> <td>If the retiree retired 5-31-2005 and returned to work on 10-1-2005, his October vacation accruals would be based on total state service just as before retirement.</td> </tr> <tr> <td>On or After 6-1-2005</td> <td>Prior to 9-1-2005</td> <td>Split Accrual Rates</td> <td>If the retiree retired on 6-30-2005 and returned on 8-1-2005, his August accruals will be calculated on total state service, but his September accruals and thereafter will be calculated based on state service since 8-1-2005.</td> </tr> <tr> <td>On or After 6-1-2005</td> <td>9-1-2005 or later</td> <td>Accruals based on state service since retirement.</td> <td>If the retiree retired 6-30-2005 and returned on 10-1-2005, his accruals for October and thereafter will be based on state service since 10-1-2005.</td> </tr> </tbody> </table> <p>Note: Return-to-work retirees are not required to re-establish the six months' continuous service requirement in order to take vacation with pay.</p>	Retirement Date	Rehire Date	Accrual Rate	Example	On or Before 5-31-2005	Prior to 9-1-2005	Accruals based on total state service (no change).	If the retiree retired 5-31-2005 and returned to work on 7-1-2005, his July, August and September vacation accruals would use his total state service in the calculation just as before retirement.	On or Before 5-31-2005	After 9-1-2005	Accruals based on total state service (no change).	If the retiree retired 5-31-2005 and returned to work on 10-1-2005, his October vacation accruals would be based on total state service just as before retirement.	On or After 6-1-2005	Prior to 9-1-2005	Split Accrual Rates	If the retiree retired on 6-30-2005 and returned on 8-1-2005, his August accruals will be calculated on total state service, but his September accruals and thereafter will be calculated based on state service since 8-1-2005.	On or After 6-1-2005	9-1-2005 or later	Accruals based on state service since retirement.	If the retiree retired 6-30-2005 and returned on 10-1-2005, his accruals for October and thereafter will be based on state service since 10-1-2005.
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Chapter 8 - Leave, Time and Attendance

Section 8.04 - Sick Leave

Policy	The TWDB provides sick leave for all employees.
Rules	<ol style="list-style-type: none">1) A TWDB employee earns sick leave entitlement beginning on the first day of employment with the state and terminating on the last day of employment.2) An employee receives credit for one month's accrual on the first business day of each full calendar month of employment with the state.3) When a TWDB employee is on leave the first business day of the month, sick leave accruals will not be posted until the date of the employee's actual first day of work in the month.4) Vacation leave in excess of the amount allowed to be carried over from one fiscal year to another will be converted to sick leave at the end of the fiscal year.5) Full-time employees accrue eight hours of sick leave on the first day of each month.<ol style="list-style-type: none">a) Part-time employees accrue sick leave on a prorated basis.b) Hourly and temporary employees are also entitled to accrue sick leave.6) Sick leave accumulations are carried forward each month, with no limit on the amount of sick leave that may be accrued. Sick leave accrual ends the last month a separating employee is physically on duty.7) An employee may use sick leave for medical reasons related to the employee or the employee's immediate family, including doctor's appointments, preventive care, illness and injury.8) An employee who will be absent from work must notify his or her supervisor as soon as possible, but in any event before the employee is scheduled to report to work.9) If an employee is absent for more than 3 days because of an illness, the employee is required to submit written documentation from the employee's healthcare provider to the employee's supervisor substantiating the absence is due to illness and/or stating that the employee is unable to Return-to-work before the employee will be allowed to return. If the employee did not visit a health care provider during the absence, then the employee must provide a personal statement explaining that the absence was due to an illness but did not require the services of a healthcare provider.10) Separated and Terminated Employees<ol style="list-style-type: none">a) Employees separating from employment with the TWDB are not entitled to be compensated for unused accumulated sick leave at the time of separation.b) Employees will not be eligible to use paid sick leave after their last physical day on duty.c) An employee who is restored to state employment following military service is entitled to have his or her sick leave balance restored. ERS retirees who return to state employment will not have their sick leave balances restored as there is no provision that allows a retiring employee to store or bank accumulated sick leave for use after retirement.11) Employees transferring from another state agency without a break in service may transfer all accrued sick leave balances to the TWDB.12) Death of an Employee<ol style="list-style-type: none">a) When a TWDB employee dies, the employee's estate will be paid for one-half of the employee's accrued sick leave balance, or for 336 hours of sick leave, whichever is less. The employee must have been employed by the state for at least six months at the time of death in order for the estate to receive this benefit.b) The amount paid to the estate is based on the employee's compensation rate at the time of death.13) Restoration of Sick Leave<ol style="list-style-type: none">a) Employees separated from employment with TWDB under a formal reduction-in-force policy will have their sick leave balance restored if reemployed by another agency of the state within twelve months of their termination of employment.b) Employees are allowed to have their sick leave balance restored if they are separated from their employment for any other reasons and are reemployed

	<p>by another agency of the state within twelve months of their termination of employment.</p> <p>c) Employees who are reemployed by the same state agency or institution may only have their sick leave balance restored if they have had a break in service of at least 30 calendar days since their date of termination of employment.</p> <p>d) An employee who is restored to state employment following military service under veterans' employment restoration laws and regulations is generally considered to have been on furlough or leave of absence and, as such, is entitled to crediting (restoring) of sick leave accrued, but unused, prior to such military service.</p> <p>14) Sick Leave Retirement Credit</p> <p>a) A TWDB employee who retires based on length of service or disability is entitled to service credit for the employee's sick leave that has accumulated and is unused on the last day of employment.</p> <p>b) Sick leave is creditable at the rate of one month of service credit for each 20 days (160 work hours) of the accumulated balance. Any increment less than 20 days is not creditable.</p>
Responsibility	Human Resources Division
Authorization	<ul style="list-style-type: none"> ✓ Texas Government Code Chapter 661 ✓ Texas Attorney General Opinion GA-0201 (2004) ✓ Texas Attorney General Opinion MW-109 (1979)
Eligibility	Unlike vacation leave, no waiting period is required before an employee is eligible to use sick leave.
Definition	<u>Immediate family</u> – individuals residing in the same household and who are related by birth, kinship, adoption, or marriage. Foster children certified by the Texas Department of Protective and Regulatory Services are also included in the definition of immediate family. An employee's minor child, not living in the same household, is considered an immediate family member for purposes of sick leave. An employee's use of sick leave for family members not residing in the employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child, or parent. The need for assistance or care must be a direct result of a documented medical condition.

Chapter 8 - Leave, Time and Attendance

Section 8.05 - Extended Sick Leave

Policy
To establish guidelines for the Texas Water Development Board (TWDB) to provide extended sick leave for eligible employees.

Extended sick leave (ESL) is additional paid sick leave that may be granted to an employee with a personal “serious health condition” qualifying under FMLA.

Rules

1) Responsibility for Administering Extended Sick Leave
a) The Human Resources Director or designee is the Extended Sick Leave Administrator (ESLA) and has the following responsibilities:
i. developing guidelines for the administration of extended sick leave; and
ii. certifying an employee’s eligibility for extended sick leave by reviewing each request on an individual basis to determine whether the condition is severe or chronic.

2) Extended Sick Leave Coverage
When an employee is granted extended sick leave for a full calendar month, the employee will accrue paid sick and vacation leave for the month of absence on extended sick leave if he or she returns to work following the leave.

3) Extended Sick Leave Granted
a) TWDB employees may be granted extended sick leave for their personal “serious health condition” as defined by the Family and Medical Leave Act (FMLA) after their request has been approved by the ESLA.
b) The ESLA determines the amount of ESL a TWDB employee may be granted based on medical certification provided and the ESL maximum amounts available based on dates of service.
c) The maximum amounts of ESL which may be granted to a TWDB employee per fiscal year, regardless of the number of occurrences or types of illnesses, are as follows:

TWDB Continuous Employment	ESL Maximum Amounts
1 year but less than 3 years	40 hours
3 years but less than 4 years	80 hours
4 years but less than 5 years	120 hours
5 years or more	160 hours

4) Return-to-work
a) The employee must obtain a Return-to-work Certification from the health care provider stating that he or she is able to resume work before the employee can Return-to-work.
b) The employee must provide the Return-to-work Certification to Human Resources on or before the employee’s first working day.
c) An employee will not be permitted to Return-to-work until a Return-to-work Certification release from the attending health care provider is approved by Human Resources. Human Resources will consider any restrictions contained in the release.

5) Workers’ Compensation
a) ESL may be granted for on-the-job injuries as long as the employee meets eligibility requirements and is not receiving income benefits from workers’ compensation.
b) All requests for ESL in conjunction with Workers’ Compensation should be coordinated with Human Resources.

6) Death of an Employee
a) When a TWDB employee dies, his or her estate is not entitled to payment for unused ESL.

7) FMLA
a) ESL granted to an employee will be used concurrently with the employee’s 12-week FMLA leave entitlement.

8) Intermittent Time
a) ESL may not be used intermittently.

Exceptions	<ol style="list-style-type: none"> 1) ESL is only available for the employee's own personal health condition and does not include other FMLA qualifying events such as family illness, military exigency, etc. 2) For the purposes of ESL eligibility, an illness does not include elective surgery. 3) Temporary employees are not eligible for ESL.
Responsibility	Human Resources Division
Authorization	✓ Texas Government Code § 661.202 (i) (j)
Eligibility	<p>No state employee is automatically entitled to ESL. An employee may be granted ESL if:</p> <ol style="list-style-type: none"> 1) The employee is on leave for a personal "serious health condition" qualifying under FMLA; 2) the employee provides a medical statement certifying the employee's illness or injury; 3) the employee has exhausted all applicable paid leave. Applicable paid leave includes all vacation leave, sick leave, overtime, state compensatory time, holiday time, and administrative leave; 4) prior to the onset of the illness or injury, the employee properly managed his or her leave in accordance with agency policy, as determined by their supervisor in conjunction with the Human Resources Director; 5) the employee is meeting the expectations of the job as documented on the most recent performance appraisal as determined by their supervisor in conjunction with the Human Resources Director; 6) the employee has not received any written disciplinary action and/or has not been on a performance improvement plan in the past 12 months; and 7) the employee has been continuously employed with the TWDB for at least one year.
Forms	<p>HR-047 Response to Employee's Request for FMLA HR-048 Special Leave Request Form HR-069 FMLA Designation Notice HR-050 Return-to-Work Certification Form</p>

Chapter 8 - Leave, Time and Attendance	
Section 8.06 - Sick Leave Pool	
Policy	<p>To establish guidelines for the creation and operation of a Sick Leave Pool for eligible TWDB employees.</p> <p>The Sick Leave Pool is donated sick leave that may be granted to an employee for prolonged absences due to a catastrophic illness or injury incurred by the employee or an immediate family member that has exhausted the employee's leave balance.</p>
Rules	<p>1) Responsibility for Administering the Sick Leave Pool</p> <ul style="list-style-type: none"> a) The Human Resources Director is the Sick Leave Pool Administrator (SLPA) and has the following responsibilities: <ul style="list-style-type: none"> i. developing guidelines for the operation of the Sick Leave Pool; and ii. certifying an employee's eligibility for withdrawals from the pool by reviewing each request for Sick Leave Pool leave on an individual basis to determine whether the condition is severe enough to be considered catastrophic. b) The decision of the SLPA is final. <p>2) Sick Leave Pool Coverage</p> <ul style="list-style-type: none"> a) When an employee is granted Sick Leave Pool hours for a full calendar month, the employee will accrue paid sick and vacation leave for the month of absence on sick leave granted through the Sick Leave Pool if the employee returns to work following the leave. b) Employees are not required to contribute to the Sick Leave Pool to be eligible to receive leave hours through the pool. <p>3) Sick Leave Pool Contributions</p> <ul style="list-style-type: none"> a) Contributions to the Sick Leave Pool are voluntary. b) A TWDB employee may submit a Sick and Family Leave Pool Donation Form to the SLPA to contribute sick leave time to the Sick Leave Pool. c) Employees may contribute any amount of sick leave in eight-hour increments to the pool with the exception of a retiring state employee who may contribute in increments of less than eight hours. d) Employees who make contributions to the pool may not designate a recipient. <p>4) Sick Leave Pool Withdrawal</p> <ul style="list-style-type: none"> a) TWDB employees may apply for and use leave from the Sick Leave Pool for their own catastrophic illness or injury or an immediate family member's catastrophic illness or injury after their request has been approved by the SLPA. b) An employee is not required to contribute to the Sick Leave Pool before requesting sick leave through the Sick Leave Pool. c) Employees may not cumulatively withdraw time from the Sick Leave Pool in an amount that exceeds the lesser of one-third of the total amount of time in the Sick Leave Pool or 90 days per fiscal year, regardless of the number of occurrences or types of illnesses. d) The SLPA determines the exact amount of time a TWDB employee may be granted from the Sick Leave Pool established by this policy and is based on medical certification provided by the employee. e) A copy of the approved Special Leave Computation form is provided to the employee and the employee's supervisor. f) An employee may be required to provide recertification of the need for continued use of Sick Leave Pool every 30 calendar days. g) All unused Sick Leave Pool balances granted to the employee will be returned to the pool. h) Part-time employees may be granted a proportionate amount of sick leave pool. <p>5) Return-to-Work</p> <ul style="list-style-type: none"> a) An employee will not be permitted to return to work from leave for the employee's own medical condition until a Return-to-Work Certification release from the attending health care provider is approved by Human Resources. Human Resources will consider any restrictions in the release.

	<p>b) The employee must provide the Return-to-Work Certification to Human Resources on or before the employee's first working day.</p> <p>c) When leave is for care of a family member, the employee needs only to notify Human Resources of his or her return to work from leave.</p> <p>6) Workers' Compensation</p> <p>a) Sick leave from the pool may be granted for on-the-job injuries as long as the employee meets eligibility requirements and is not receiving income benefits from Workers' Compensation.</p> <p>b) All requests for Sick Leave Pool in conjunction with Workers' Compensation should be coordinated with Human Resources.</p> <p>7) Death of an Employee</p> <p>a) If a TWDB employee dies, his or her estate is not entitled to payment for unused Sick Leave Pool.</p> <p>8) FMLA</p> <p>a) Sick Leave Pool granted to an employee will run concurrently with the employee's 12-week FMLA leave entitlement, if applicable. Employees who have exhausted eligible FMLA leave during the previous 12-month period are not eligible for Sick Leave Pool.</p> <p>9) Intermittent Time</p> <p>a) Sick Leave Pool may be taken intermittently (in blocks of time or by a reduction in the normal work schedule) if required by the health care provider for a catastrophic illness or injury.</p>
Responsibility	Human Resources Division
Authorization	<ul style="list-style-type: none"> ✓ Texas Government Code §§ 661.001-661.008 ✓ 31 Texas Administrative Code § 353.32
Eligibility	<p>No state employee is entitled to Sick Leave Pool. An employee may be granted Sick Leave Pool if:</p> <ol style="list-style-type: none"> 1) the employee has exhausted all available leave; 2) the employee provides a medical statement certifying the employee's or immediate family member's illness or injury; and 3) the Sick Leave Pool Administrator determines that the illness or injury is catastrophic
Definitions	<p><u>Catastrophic</u> is defined as a severe condition or combination of conditions that affect the mental or physical health of the employee or the employee's immediate family that requires the services of a health care provider for a prolonged period of time and forces the employee to exhaust all leave time earned by that employee and to lose compensation from the state for the employee.</p> <p><u>A health care provider</u> is a Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery or is otherwise defined as a health care provider in the Family and Medical Leave Act or a health care practitioner as defined in § 1451.001 of the Texas Insurance Code.</p> <p>Immediate family member is defined as follows:</p> <p><u>Spouse</u> is a husband or wife as recognized under State law for purposes of marriage, including common law marriage.</p> <p><u>Son or daughter</u> includes a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in the place of the parent). The child must be under 18 years of age, or 18 years of age or older and incapable of self-care because of mental or physical disability (as defined by the Americans with Disabilities Act).</p> <p><u>Parent</u> is the employee's own parent or an individual who stood in loco parentis (in place of a parent) when the employee was a child. Stepparents are considered an employee's parents under this definition. This term does not include "parents-in-law."</p>
Forms	<p>HR-024 Sick and Family Leave Pool Donation Form</p> <p>HR-047 Response to Employee's Request for FMLA; if applicable</p> <p>HR-048 Special Leave Request Form</p> <p>HR-049 Certification of Healthcare Provider Form</p>

Chapter 8 - Leave, Time and Attendance	
Section 8.07 - Family Leave Pool	
Policy	<p>To establish guidelines for the creation and operation of a Family Leave Pool for the TWDB to provide to eligible employees.</p> <p>The Family Leave Pool is donated sick and/or annual leave that may be granted to an employee to bond with and care for children during a child's first year following birth, adoption, or foster placement; or to care for a seriously ill family member or the employee, including illnesses or complications resulting from a pandemic. The employee must have exhausted eligible compensatory, discretionary (including administrative and wellness leave categories), sick, and annual leave.</p>
Rules	<p>1) Responsibility for Administering the Family Leave Pool</p> <ul style="list-style-type: none"> a) The Human Resources Director is the Family Leave Pool Administrator (FLPA) and has the following responsibilities: <ul style="list-style-type: none"> i. developing guidelines for the operation of the Family Leave Pool; and ii. certifying an employee's eligibility for withdrawals from the pool by reviewing each request for Family Leave Pool leave on an individual basis to determine whether the circumstances are applicable. b) The decision of the FLPA is final. <p>2) Family Leave Pool Coverage</p> <ul style="list-style-type: none"> a) When an employee is granted Family Leave Pool hours for a full calendar month, the employee will accrue paid sick and vacation leave for the month of absence on family leave granted through the family leave pool if the employee returns to work following the leave. b) Employees are not required to contribute to the Family Leave Pool to be eligible to receive leave hours through the pool. <p>3) Family Leave Pool Contributions</p> <ul style="list-style-type: none"> a) Donations to the Family Leave Pool are considered assigned income and are taxable to the donor as income. Appropriate taxes will be withheld at the time of donation. b) Contributions to the Family Leave Pool are voluntary. c) Employees must have six months of continuous state service to donate annual leave to the Family Leave Pool. Employees with less than six months of continuous state service may still donate sick leave to the Family Leave Pool. d) A TWDB employee may submit a Sick and Family Leave Pool Donation Form to the FLPA to contribute leave time to the Family Leave Pool. e) Employees may contribute any amount of sick and/or annual leave in eight-hour increments per leave category to the pool with the exception of a retiring state employee. who may contribute in increments of less than eight hours. f) Employees who make contributions to the pool may not designate a recipient. <p>4) Family Leave Pool Withdrawal</p> <ul style="list-style-type: none"> a) TWDB employees may apply for and use leave from the Family Leave Pool for: <ul style="list-style-type: none"> i. the birth of a child; ii. the placement of a foster child or adoption of a child under 18 years of age; iii. the placement of any person 18 years of age or older requiring guardianship; iv. a serious illness to an immediate family member or the employee; including a pandemic-related illness; v. an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or vi. a previous donation of time to the pool. b) Employees must have six months of continuous state service to withdraw from the family leave pool. c) An employee is not required to contribute to the Family Leave Pool before requesting leave through the Family Leave Pool. d) Employees may not cumulatively withdraw time from the Family Leave Pool in an amount that exceeds the lesser of one-third of the total amount of time in the Family Leave Pool or 90 days per fiscal year, regardless of the number of occurrences or types of illnesses.

	<ul style="list-style-type: none"> e) The FLPA determines the exact amount of time a TWDB employee may be granted from the Family Leave Pool established by this policy. f) If an employee is seeking permission to withdraw time from the pool to care for another person, the employee must submit a statement of the facts and be listed on that 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 a person who is 18 years of age or older and requires guardianship. g) If an employee is seeking permission to withdraw time from the pool 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 Family Leave Pool, the employee must provide the pool administrator with a written statement from a health care provider who is treating the employee or the employee's immediate family member. h) A copy of the approved Special Leave Computation form is provided to the employee and the employee's supervisor. i) An employee may be required to provide recertification of the need for continued use of Family Leave Pool every 30 calendar days. j) All unused Family Leave Pool balances granted to the employee will be returned to the pool. k) Part-time employees may be granted a proportionate amount of Family Leave Pool. <p>5) Return-to-Work</p> <ul style="list-style-type: none"> a) An employee will not be permitted to return to work from leave for the employee's own medical condition until a Return-to-Work Certification release from the attending health care provider is approved by Human Resources. Human Resources will consider any restrictions in the release. b) The employee must provide the Return-to-Work Certification to Human Resources on or before the employee's first working day. c) When leave is for bonding with a child or caring for a family member, the employee needs only to notify Human Resources of his or her return to work from leave. <p>6) Workers' Compensation</p> <ul style="list-style-type: none"> a) Family leave from the pool may be granted for on-the-job injuries as long as the employee meets eligibility requirements and is not receiving income benefits from Workers' Compensation. b) All requests for Family Leave Pool in conjunction with Workers' Compensation should be coordinated with Human Resources. <p>7) Death of an Employee</p> <ul style="list-style-type: none"> a) If a TWDB employee dies, his or her estate is not entitled to payment for unused Family Leave Pool hours. <p>8) FMLA</p> <ul style="list-style-type: none"> a) Family Leave Pool hours granted to an employee will run concurrently with the employee's 12-week FMLA leave entitlement, if applicable. Employees who have exhausted eligible FMLA leave during the previous 12-month period are not eligible for Family Leave Pool. <p>9) Intermittent Time</p> <ul style="list-style-type: none"> a) Family Leave Pool may be taken intermittently (in blocks of time or by a reduction in the normal work schedule) as determined by case circumstances or if required by the health care provider for illness or injury.
Responsibility	Human Resources Division
Authorization	<ul style="list-style-type: none"> ✓ Texas Government Code §§ 661.021-661.028 ✓ 31 Texas Administrative Code § 353.32
Eligibility	<p>No state employee is entitled to Family Leave Pool. An employee may be granted leave from the Family Leave Pool if:</p> <ul style="list-style-type: none"> 1) the employee has exhausted all applicable leave categories; 2) the employee provides applicable and sufficient documentation to support the request; <p>and</p>

	<p>3) the Family Leave Pool Administrator determines that the circumstances are applicable and meet the requirements outlined in this policy.</p>
Definitions	<p>A <u>health care provider</u> is a Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery or is otherwise defined as a health care provider in the Family and Medical Leave Act or a health care practitioner as defined in § 1451.001 of the Texas Insurance Code.</p> <p>Immediate family member is defined as follows:</p> <p><u>Spouse</u> is a husband or wife as recognized under State law for purposes of marriage, including common law marriage.</p> <p><u>Son or daughter</u> includes a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in the place of the parent). The child must be under 18 years of age, or 18 years of age or older and incapable of self-care because of mental or physical disability (as defined by the Americans with Disabilities Act).</p> <p><u>Parent</u> is the employee’s own parent or an individual who stood in loco parentis (in place of a parent) when the employee was a child. Stepparents are considered an employee’s parents under this definition. This term does not include “parents-in-law.”</p>
Forms	<p>HR-024 Sick and Family Leave Pool Donation Form HR-047 Response to Employee’s Request for FMLA; if applicable HR-048 Special Leave Request Form HR-049 Certification of Healthcare Provider Form</p>

Chapter 8 - Leave, Time and Attendance	
Section 8.08 - Donated Sick Leave	
Policy	The same sick leave rules outlined Section 8.04 in the Sick Leave Policy apply to donated sick leave, unless otherwise specified below.
Rules	<p>1) Donating Sick Leave</p> <ul style="list-style-type: none"> a) Employees may make two types of sick leave donations: <ul style="list-style-type: none"> i. A contribution of available sick leave to the Sick Leave Pool (refer to Section 8.06 for information); ii. A sick leave donation to another TWDB employee who has exhausted all sick leave balances, including any awarded Sick Leave Pool, Family Leave Pool and/or Extended Sick Leave hours. b) To donate sick leave to an employee who has exhausted all sick leave, employees must complete a Sick Leave Donation Form (HR-094) and return it to Human Resources. All requests to donate sick leave must be reviewed and approved by Human Resources. c) Employees who donate sick leave lose ownership of and access to sick leave hours they choose to donate. Donated sick leave is no longer available for use toward retirement service credit. d) Donated hours that are not used by the receiving employee cannot be returned to the donor or re-donated to another employee. e) An employee donating sick leave may not receive any payment or gift in exchange for a sick leave donation. f) Sick leave donation is strictly voluntary. A supervisor may not request a sick leave donation from an employee in his/her chain of command, either for personal use or on behalf of another employee. g) Employees should be aware that health information is confidential and use discretion in connection with the donation of sick leave. h) An employee in need of sick leave donations may disclose the need to others but must not coerce donations nor disclose who has or has not donated sick leave. No employee should be pressured to donate sick leave. <p>2) Requesting Donated Sick Leave</p> <ul style="list-style-type: none"> a) Employees who qualify to receive and need donated sick leave should complete the HR-095 Donated Sick Leave Request Form and submit it to Human Resources. b) By completing a Donated Sick Leave Request Form, the employee gives permission for Human Resources to request donated sick leave from other TWDB employees on their behalf. TWDB will release sufficient information to TWDB staff necessary to announce the request. c) Employees are not guaranteed donated sick leave by completing a Donated Sick Leave request form. <p>3) Using Donated Sick Leave</p> <ul style="list-style-type: none"> a) An employee may not use donated sick leave until his/her sick leave balance is exhausted. b) All requests to use donated sick leave must be reviewed and approved by Human Resources. c) An employee receiving donated sick leave may not provide any payment or gift to a donor in exchange for a sick leave donation. d) Donated sick leave can be used only as provided under the TWDB Sick Leave Policy, Section 8.06. Employees using donated sick leave hours on an intermittent basis must exhaust accrued earned sick leave hours before using donated sick leave hours. e) To use donated sick leave, employees will use the "Donated Sick Leave Taken" charge code on their timesheet. If an employee received donated sick leave and is eligible to use the leave, the charge code will be added to the receiving employee's timesheet. f) Unused donated sick leave may not be used towards Employee Retirement Service (ERS) service credit by the receiving employee. g) Donated sick leave may not be re-donated to another TWDB employee or returned to the employee who donated it. h) Upon separation (whether by interagency transfer, resignation, retirement, involuntary separation, or death) of an employee with a balance of donated sick leave,

	the donated leave will be recorded as lost. In the event of an employee's death, donated sick leave will not be paid to the employee's estate.
Responsibility	Human Resources Division
Authorization	Texas Government Code § 661.207
Forms	HR-094 Sick Leave Donation Form HR-095 Donated Sick Leave Request Form

Chapter 8 - Leave, Time and Attendance	
Section 8.09 - Leave for Special Purposes	
Policy	<p>The types of leave of absence potentially available to TWDB employees, subject to eligibility requirements, include:</p> <ol style="list-style-type: none"> 1) Educational Activities Leave; 2) Leave for Organ or Bone Marrow Donors; 3) Leave for Donations of Blood; 4) Administrative Leave for Outstanding Performance; 5) Leave During Agency Investigation; 6) Governor/Legislative Decree Leave; 7) Assistance Dog Training Leave; 8) Inclement Weather Leave; 9) Holiday Leave; 10) Volunteer Firefighters/Emergency Medical Services Volunteers and Search and Rescue Volunteers Leave; 11) Voting in Elections; 12) Witness Leave; 13) Jury Duty Leave; 14) Foster Parent Leave; 15) Leave for Employee Assistance Program (EAP) Counseling; 16) Court Appointed Special Advocate (CASA) Volunteers; 17) Reserve Law Enforcement Officer; 18) Wellness Leave; and 19) VA Administered Medical and Mental Health Care for Certain Veterans 20) Volunteers of Texas Voluntary Organizations Active in Disaster
Rules	<p>1) Educational Activities Leave</p> <ol style="list-style-type: none"> a) A TWDB employee may use up to eight hours of sick leave each fiscal year to attend educational activities of the employee's children. Educational activities include 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. b) Employees must give reasonable notice of intention to use sick leave to attend such activities. c) Employees should submit a request for approval of this leave or at a minimum have obtained their supervisor's verbal or e-mail approval of the request before taking such leave. <p>2) Leave for Organ or Bone Marrow Donors</p> <ol style="list-style-type: none"> a) A state employee is entitled to a leave of absence, without a deduction in salary or accrued leave, for the time necessary to permit the employee to serve as a bone marrow or organ donor. b) The leave of absence provided by this section may not exceed: <ol style="list-style-type: none"> i. Five working days in a fiscal year to serve as a bone marrow donor; or ii. 30 working days in a fiscal year to serve as an organ donor. c) Leave must be approved in advance through the employee's respective chain of command and the Human Resources Director. <p>3) Leave for Donations of Blood</p> <ol style="list-style-type: none"> a) Each employee will be allowed sufficient time off, without a deduction in salary or accrued leave, to donate blood. An employee may not receive time off unless the employee obtains approval from his or her supervisor before taking time off. b) On returning to work after taking time off, an employee must provide his or her supervisor with proof that the employee donated blood during the time off. c) If upon request an employee fails to provide proof that the employee donated blood during the time off, the agency will deduct the period for which the employee was granted time off from the employee's salary or accrued leave, whichever the employee chooses. d) An employee may receive time off for leave for donations of blood not more than four times in a fiscal year.

4) Administrative Leave for Outstanding Performance

- a) The Executive Administrator may grant administrative leave to TWDB employees as a reward for outstanding performance.
- b) The total amount of administrative leave awarded for outstanding performance must not exceed 32 hours for the fiscal year.
- c) Employees are encouraged to use their administrative leave for outstanding performance as soon as possible.
- d) The employee must have a current job performance appraisal on file in the CAPPs HR ePM system. Exceptions may be made by the Executive Administrator.

5) Leave During Agency Investigation

- a) The Executive Administrator 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 by the agency.

6) Governor/Legislative Decree Leave

- a) In special circumstances, the Governor or Legislature may grant, or decree leave to all state employees.
- b) A skeleton crew usually maintains office coverage to conduct agency business. When an employee remains on skeleton crew duty, he or she will earn either state holiday compensatory time or FLSA overtime depending on his or her FLSA status and hours worked.

7) Assistance Dog Training Leave

- a) TWDB employees who are blind may be granted a leave of absence with full pay for the purposes of attending a training program to acquaint them with an assistance dog.
- b) The leave of absence may not exceed ten working days in a fiscal year and will not require the employee to exhaust other accrued leave balances. The employee continues to accrue vacation leave and sick leave while on this leave status.
- c) Under the provisions of this section, the definition of "blind" will comply with the meaning assigned by Texas Human Resources Code § 91.002(2).

8) Inclement Weather Leave

- a) When hazardous or inclement weather conditions exist, the Executive Administrator may grant leave to TWDB employees. No deductions will be made from the employees' accrued leave balances.
- b) When an employee determines that travel to work is too hazardous, his or her supervisor should be notified as soon as possible. The supervisor may consult with Human Resources and determine what leave should be used. Each situation will be evaluated on its own merits.
- c) See Chapter 8, Section 8.17 for policies regarding inclement weather and other continuity events for telecommute-ready staff.

9) Holiday Leave

- a) The Executive Administrator may grant emergency leave to TWDB employees if the agency is closed in observance of a holiday. An employee is not required to request emergency leave for this purpose. No deductions will be made from the employees' accrued leave balances.

10) Volunteer Firefighter/Emergency Medical Services Volunteer Leave/Search and Rescue Volunteers

- a) TWDB employees who are volunteer firefighters, Emergency Medical Service (EMS) volunteers or a search and rescue volunteer are granted a leave of absence with full pay to attend training schools conducted by state agencies or institutions of higher education. The leave of absence may not exceed five working days in a fiscal year and will not be charged against accrued vacation leave and sick leave balances.

11) Voting in Elections

- a) TWDB employees should be allowed sufficient time off, up to two (2) hours, without a deduction in salary, to vote in each national, state, or local election to include time for early voting.

12) Witness Leave

- a) When a TWDB employee appears as a witness on behalf of the State of Texas, time in court is considered time worked. An employee appearing as a witness in an official capacity may not receive a witness fee.
- b) When an employee is subpoenaed as a witness on a non-work-related matter, the employee must use available vacation leave, compensatory leave, overtime leave, or leave without pay to testify on his or her own or another's behalf or as an expert witness.
- c) TWDB employees may be requested to provide a copy of the subpoena or other written documentation from the attorney or judicial official who called the employee as a witness.

13) Jury Duty Leave

- a) When a TWDB employee receives a jury summons, the employee is granted a leave of absence with pay to participate in this process. No deductions are made from the employee's salary or accrued leave balances.
- b) Supervisors should request a copy of the summons for their supervisory files. Employees must be able to provide proof as requested by management or Human Resources staff.
- c) Time spent on jury duty will be counted as regular working time for all purposes except overtime. The employee must return to work for any reasonable time after the employee is dismissed during normal work hours. No adverse employment action will be taken against employees due to their service as a juror in municipal, state or federal courts.

14) Foster Parent Leave

- a) A state employee who is a foster parent to a child under the conservatorship of the Texas Department of Family and Protective Services (DFPS) is entitled to a leave of absence with full pay for attending staffing meetings held by the DFPS regarding the employee's foster child. In addition, the employee may attend, with a paid leave of absence, the Admission, Review, and Dismissal. (ARD) meeting held by a school district regarding his or her foster child.
- b) TWDB employees must submit a written request in advance to their supervisors when taking Foster Parent Leave.

15) Leave for Employee Assistance Program (EAP) Counseling

- a) A TWDB employee may attend an EAP counseling session without using any leave provided the employee informs the employee's supervisor prior to attending the EAP session.
- b) If the employee does not wish to inform the supervisor of the counseling session, the employee may use the appropriate leave for the situation involved.
- c) TWDB employees should consult with Human Resources for more information.

16) Court Appointed Special Advocate (CASA) Volunteers

- a) A TWDB employee may be provided paid leave not to exceed five hours each month to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates. Leave is provided without a deduction in salary or loss of vacation, sick leave, overtime or compensatory time. The employee should notify the employee's supervisor prior to taking leave for CASA participation.

17) Reserve Law Enforcement Officer

- a) State employees who are reserve law enforcement officers are allowed a leave of absence without a deduction in salary to attend required continuing education programs for law enforcement certification purposes. Authorized leave without a deduction cannot exceed five working days each biennium.

18) Wellness Leave

- a) TWDB provides eight hours of leave time each fiscal year to an employee who receives a physical examination and completes an online health risk assessment tool.
- b) TWDB employees are required to turn in their health risk assessment certificate and HR-064 Request for Wellness Leave to Human Resources within 30 days of physical examination. Leave will be available for use on the 1st of the month after approved by Human Resources.

19) VA Administered Medical and Mental Health Care for Certain Veterans

	<p>a) A qualifying veteran under a program administered by the Veterans Health Administration of the United States department of Veterans Affairs may be granted leave without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time to obtain medical or mental health care administered by the Veterans Health Administration of the United States department of Veterans Affairs, including physical rehabilitation. Leave granted may not exceed 15 days each fiscal year unless the Executive Administrator grants additional leave determined appropriate for the employee.</p> <p>20) Volunteers of Texas Voluntary Organizations Active in Disaster</p> <p>a) A state 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, without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time, to participate in disaster relief services if:</p> <ul style="list-style-type: none"> i. the employee’s supervisor authorizes the leave; ii. the services in which the employee participates are provided for a state of disaster declared by the Governor under Texas Government Code, Chapter 418; and iii. the executive administrator approves the leave.
Responsibility	Human Resources Division
Authorization	<ul style="list-style-type: none"> ✓ Texas Government Code Chapter 661 ✓ Texas Labor Code § 52.051
Forms	<p>HR-018 Administrative Leave Nomination Form</p> <p>HR-064 Request for Wellness Leave</p>

Chapter 8 - Leave, Time and Attendance

Section 8.10 - Family Medical Leave Act (FMLA)

Policy

In accordance with the federal Family and Medical Leave Act, eligible employees are entitled to up to 12 weeks (480 hours) of unpaid leave in a rolling 12-month period for certain qualifying events. The FMLA designation ensures that the employee is entitled to return to the same job or an equivalent position with equivalent pay and benefits.

The agency will determine whether an event qualifies as Family and Medical Leave Act (FMLA) leave and will notify the employee of the designation. To be paid while on FMLA designated leave, employees are required to use all applicable accrued leave balances. Otherwise, FMLA leave is unpaid.

When an employee is absent from work due to illness or injury that may be a serious health condition, the employee should contact Human Resources to determine whether the employee is eligible for FMLA leave. Human Resources is the TWDB's point of contact for all FMLA questions.

Calling in "sick" without providing more information is not enough to trigger the TWDB's obligations under FMLA. Employees must provide enough information for the TWDB to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees also must inform the TWDB if the requested leave is for a reason for which FMLA leave was previously taken or certified.

FMLA makes it unlawful for any employer to:

- 1) Interfere with, restrain, or deny the exercise of any right provided under FMLA; or
- 2) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
- 3) FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law which provides greater family or medical leave rights.

Rules

1) Qualifying Leave Events

Eligible employees can qualify for leave for one or more of the following reasons:

- a) Pregnancy: For incapacity due to pregnancy, prenatal medical care or childbirth.
- b) Birth, adoption or placement for foster care: Birth of an employee's son or daughter, and to care for the newborn child during the child's first year of life; also, placement of a son or daughter with the employee for adoption or foster care and to care for the child during the first year following such placement.
- c) Serious health condition of family member: To care for the employee's spouse, son, daughter, or parent who has a serious health condition. "Care" includes both physical and psychological care. An employee is eligible regardless of the availability of another family member to provide the same or similar care.
- d) Serious health condition of the employee: An employee is unable to perform the functions of his or her job due to a serious health condition because the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act.
- e) Qualifying exigency of military family member: A qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty or has been notified of an impending call or order to covered active duty. A "qualifying exigency" includes attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. "Covered active duty" means:
 - i. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
 - ii. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign

country under a call or order to active duty under a provision of law during a war or during a national emergency declared by the President or Congress.

- f) **Military caregiver:** To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member. A covered service member is:
- i. a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
 - ii. a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. The definition of "serious injury or illness" refers only to certain qualifying conditions as defined by the U.S. Department of Labor.

2) Leave Amounts

- a) When eligible spouses are both employed by the TWDB, the married employees are limited to a combined total of 12 weeks of family and medical leave for the following reasons:
- i. birth of a child and care of a child after birth;
 - ii. placement of a child with the employee for adoption or foster care and to care for a newly placed child; and
 - iii. 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)
- b) An eligible employee is entitled to 26 weeks of military caregiver leave in a single 12-month period measured backward from the first day leave is taken, and a combined total of 26 weeks of leave for any FMLA-qualifying reason during the single 12-month period applicable to military caregiver leave, provided that the employee is entitled to no more than 12 weeks of leave for one or more of the following: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care and in order to care for such son or daughter; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency. Thus, for example, an eligible employee may, during the single 12-month period, take 16 weeks of FMLA leave to care for a covered service member and 10 weeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 weeks of FMLA leave to care for a covered service member. If both a husband and wife are employed by TWDB and are eligible for military caregiver leave, the two may take a combined total of 26 weeks in connection with the birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care, or to care for the child after placement; to care for the employee's parent with a serious health condition; or for military caregiver leave.
- c) In all other circumstances of FMLA leave, an eligible employee is entitled to a combined 12 workweeks of leave during a rolling 12-month period measured backward from the date the employee uses any FMLA leave. If both a husband and wife are employed by the TWDB and are eligible for such leave, they are limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken in connection with the birth of the employee's child or to care for the child after birth; for placement of a child with the employee for adoption or foster care, or to care for the child after placement; or to care for the employee's parent with a serious health condition.

3) Use of Leave

- a) Leave may be taken in one block.
- b) Leave may be taken intermittently when medically necessary.
- c) Leave may be taken on a reduced work schedule when medically necessary.

- d) Leave taken for birth, adoption, or foster care purposes may be taken intermittently or on a reduced work schedule if approved by the employee's supervisor.
- e) State employees must exhaust all applicable paid leave when taking leave under the FMLA before taking unpaid leave.
- f) An employee who is receiving temporary disability benefits or workers' compensation income benefits is not required to use annual or sick leave but may elect to do so.
- g) If a holiday falls within a week in which an employee is on continuous FMLA leave, the holiday will be counted toward the FMLA leave entitlement. Holidays are not counted toward the FMLA leave entitlement where the employee uses FMLA leave intermittently or on a reduced work schedule and is absent on a holiday.
- h) Up to six weeks of sick leave may be used in conjunction with FMLA leave by a mother for childbirth and recovery or by either parent when a child under the age of three is adopted, regardless of whether the child is ill at the time of adoption. However, a father on FMLA leave in connection with the birth of a child may use his sick leave only if the child is ill or to care for his spouse while she is recovering from labor and delivery. A mother on FMLA leave in connection with the birth of a child may use additional sick leave beyond the six-week period of normal recovery from birth only if the child is ill or if a physician certifies that additional leave is necessary for childbirth and recovery.
- i) A TWDB employee should make every effort to schedule pre-planned medical treatment so that it will not unduly affect TWDB operations.
- j) TWDB employees requesting to use FMLA leave are required to provide the following:
 - i. 30 days' notice in advance of the need to take FMLA leave, if possible;
 - ii. medical certification or appropriate documentation supporting the need for the leave due to a qualifying event;
 - iii. any additional medical opinions or periodic recertification at the TWDB's discretion; and
 - iv. periodic reports during the FMLA leave regarding the employee's status and intent to Return-to-work.

4) Requirements, Benefits and Protection

- a) When a TWDB employee returns from FMLA leave, the employee must be restored to his or her original position, or to an equivalent position with the equivalent pay, benefits, and other employment terms and conditions.
- b) The state must maintain group insurance coverage for the employee while on FMLA leave. The employee is still responsible for paying the employee's portion of health insurance premiums and any other optional benefit coverage. If the employee fails to Return-to-work after the FMLA leave expires, under certain circumstances the employee may be required to reimburse the State of Texas for the state-paid portion of the health insurance premiums.
- c) A TWDB employee's use of FMLA leave cannot result in a loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.
- d) Failure to provide certification of a serious health care condition qualifying for FMLA leave within 15 days of a request from TWDB may result in denial of FMLA designation for the absence.
- e) Employees must provide sufficient information for the TWDB to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.
- f) The TWDB will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the TWDB determines that the leave is not FMLA-protected, the TWDB will notify the employee.

5) Return-to-Work

- a) In cases of medical leave taken for the employee's own serious health condition, the employee must obtain a Return-to-Work Certification from the health care provider stating that he or she is able to resume work. The employee should provide the Return-to-Work Certification to Human Resources upon return from leave. An employee will not be permitted to return-to-work until a satisfactory Return-to-Work Certification release from the attending health care provider is submitted to Human Resources.
- b) When FMLA leave is for care of a family member, the employee must notify Human Resources of the employee's return from leave.

	<p>c) The failure of an employee to return-to-work from FMLA leave will be considered resignation. When a TWDB employee advises in writing that he or she does not intend to return-to-work, the employee’s employment may be terminated on approval of the DEA. The employee’s entitlement to reinstatement, continued leave, and health benefits will cease when their separation is effective.</p>
Responsibility	Human Resources Division
Authorization	<ul style="list-style-type: none"> ✓ Family and Medical Leave Act of 1993 ✓ 29 Code of Federal Regulations § 825 ✓ Texas Government Code § 661.909 (f)
Eligibility	Employees who have been employed by the State of Texas for at least 12 months and have worked at least 1,250 hours (based on FLSA hours- worked principles) during the preceding 12-month period are eligible for FMLA leave.
Definitions	<p><u>Serious Health Condition</u> means an illness, injury, impairment, or physical or mental condition that involves either:</p> <ol style="list-style-type: none"> 1) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or 2) Continuing treatment by a health care provider, which includes: <ol style="list-style-type: none"> a) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes: <ol style="list-style-type: none"> i. treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or ii. one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or iii. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence 3) Chronic conditions requiring treatment by a health care provider at least twice a year, such as asthma, diabetes, or epilepsy; or 4) Permanent or long-term conditions, so long as the employee is under the care of (though not necessarily receiving active treatment by) a health care provider, such as a stroke; or 5) Conditions requiring multiple treatments for restorative surgery after an accident or other injury or a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as chemotherapy for cancer or dialysis for kidney disease. <p><u>Healthcare Provider</u> is a licensed practitioner of health care services who is practicing within the scope of a license.</p> <p>Immediate family members are defined as follows:</p> <ol style="list-style-type: none"> 1) <u>Spouse</u> is a husband or wife as recognized under State law for purposes of marriage, including common law marriage. Unmarried domestic partners do not qualify for FMLA leave to care for each other. 2) <u>Son or daughter</u> includes a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in the place of the parent). The child must be under 18 years of age, or 18 years of age or older and incapable of self-care because of mental or physical disability (as defined by the Americans with Disabilities Act). 3) <u>Parent</u> is the employee’s own parents or an individual who stood in loco parentis (in place of the parents) when the employee was a child. Stepparents are considered an employee’s parents under this definition. This term does not include “parents-in-law.
Forms	<p>HR-047 Response to Employee’s Request for FMLA</p> <p>HR-048 Special Leave Request Form</p> <p>HR-049 Certification of Healthcare Provider for Employee's Serious Health Condition</p>

	HR-054 Certification of Healthcare Provider for Family Member's Serious Health Condition HR-067 Certification of Qualifying Exigency for Military Family Leave HR-068 Certification for Serious Injury/Illness of Covered Service Member for Military Family Leave HR-069 FMLA Designation Notice HR-050 Return-to-Work Certification Form
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Chapter 8 - Leave, Time and Attendance	
Section 8.11 - Parental Leave	
Policy	In accordance with state statute, a state employee who is not eligible for Family and Medical Leave (FMLA) is entitled to take up to 12 weeks of parental leave for the birth of a child or the adoption or foster care placement of a child under three years of age. Parental leave is not available for any other purpose.
Rules	<ol style="list-style-type: none"> 1) The parental leave period begins with the date of birth or the adoption or foster care placement. 2) An employee on parental leave must use all available and applicable paid leave, with the remainder of the leave being unpaid. 3) If a holiday falls during a week in which an employee is on continuous parental leave, the holiday will be counted toward the parental leave entitlement. 4) Up to six weeks of sick leave may be used in conjunction with parental leave when a child under the age of 3 is adopted regardless of whether the child is actually sick at the time of adoption. 5) An employee may maintain group insurance coverage while on parental leave; however, if the employee incurs a full month of leave without pay while on leave, the employee may be responsible for full premium costs. 6) If applicable, upon return to duty after parental leave for birth of a child, the employee must submit a Return-to-work Certification. If the employee is unable to provide the Return-to-work Certification before returning to duty, the employee must not be permitted to work. 7) The failure of an employee to Return-to-work from his or her parental leave will be considered a voluntary resignation and may not be appealed. 8) When eligible spouses are both employed by the TWDB, the married employees are limited to a combined total of 12 weeks of parental leave.
Exceptions	TWDB employees with less than 12 months of state service or less than 1,250 hours of work in the 12 months immediately preceding the start of leave are entitled to a parental leave of absence, not to exceed 12 weeks (480 hours).
Responsibility	Human Resources Division
Authorization	✓ Texas Government Code § 661.913
Forms	HR-047 Response to Employee's Request for FMLA HR-048 Special Leave Request Form HR-049 Certification of Healthcare Provider for Employee's Serious Health Condition HR-054 Certification of Healthcare Provider for Family Member's Serious Health Condition HR-050 Return-to-work Certification Form

Chapter 8 - Leave, Time and Attendance	
Section 8.12 - Military Leave	
Policy	TWDB employees are entitled to a leave of absence from state employment on all days they are engaged in authorized military training or duty in accordance with applicable state and federal law.
Rules	<ol style="list-style-type: none"> 1) The maximum entitlement of paid leave of absence is limited to 15 business days in a federal fiscal year (October 1 through September 30). <ol style="list-style-type: none"> a) The days do not have to be consecutive. b) After an employee exhausts the 15 days of military leave, the employee may use accrued vacation leave or compensatory time or be placed on leave-without-pay status. c) If an employee does not use the 15 days of military leave in a federal fiscal year, the employee is entitled to carry the balance forward to the next federal fiscal year, not to exceed 45 workdays. 2) TWDB must adjust the work schedule of an employee who is a member of the Texas National Guard or a reserve branch of the U.S. Armed Forces so that two of the employee's days off each month coincide with two days of military duty. 3) Employees called to active duty during a national emergency by a reserve branch of the United States Armed Forces are granted an unpaid leave of absence. <ol style="list-style-type: none"> a) Employees accrue vacation leave, sick leave and state service credit. b) Employees may use any accrued vacation leave, compensatory time, or overtime leave to maintain benefits for the employee or dependents while on military duty. c) Employees may continue to accrue service credit with ERS by receiving at least one hour of state pay during each month of active military service. Employees may use any available and applicable leave to qualify for state pay. d) Employees retain any accrued annual or sick leave and will be credited with their balances on their return from active duty. 4) When an employee is called to state active duty as a member of the state military forces by the Governor because of an emergency, the employee is entitled to receive emergency leave without loss of military or vacation leave. <ol style="list-style-type: none"> a) Leave will be provided without a deduction in salary. b) Time is not limited and does not count against the 15 days' maximum military leave per federal fiscal year. 5) State employees who are members of the State's military forces, a reserve branch of the U.S. Armed Forces, or a state or federally authorized urban search and rescue team who are called to state active duty by the Governor or another appropriate authority in response to a disaster, are entitled to a paid leave of absence (not to exceed seven workdays in a fiscal year) for each day they are called to active duty during a disaster. For the purposes of this leave, "disaster" has the meaning assigned in Texas Government Code, Section 418.004. 6) An employee called to federal active duty for the purpose of providing assistance to civil authorities in a declared emergency or for training for that purpose is entitled to receive paid leave for not more than 22 workdays per calendar year without loss of military leave or vacation leave per calendar year. 7) TWDB employees are entitled to return to the same or similar job assignment previously held on completion of military leave. 8) When an employee leaves the TWDB to enter the U.S. Armed Forces, Texas National Guard, Texas State Guard, or other reserve components of the armed forces but reapplies within 90 days after honorable discharge, separation, or release and within five years of entering military service, he or she is entitled to be reemployed in the same position or a similar position previously held. Employees must receive the salary of their former group. 9) Refer to Section 8.09 for information regarding military status and FMLA.
Responsibility	Human Resources Division
Authorization	<ul style="list-style-type: none"> ✓ The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) ✓ Texas Government Code § 437.202

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Chapter 8 - Leave, Time and Attendance	
Section 8.13 - Emergency Leave	
Policy	<p>1) Emergency (Non-Bereavement) Leave The Executive Administrator may authorize emergency leave for reasons deemed to be for good cause.</p> <p>2) Emergency (Bereavement) Leave TWDB employees will be granted paid emergency leave because of a death in the employee's family.</p>
Rules	<p>1) Emergency (Non-Bereavement) Leave</p> <p>a) The Executive Administrator may grant emergency leave to an employee who has submitted a request and shown good cause for taking emergency leave. The Executive Administrator may not grant emergency leave to an employee who does not intend to return to the employee's position with the agency at the expiration of the period of emergency leave. An employee is not required to request emergency leave if the Executive Administrator grants emergency leave because the agency is closed due to weather conditions or in observance of a holiday.</p> <p>b) When emergency leave is granted agency-wide in conjunction with holidays, sufficient staff may be required to provide skeleton crew coverage to carry on the activities of the agency. The emergency leave information should be communicated to all TWDB employees as soon as possible.</p> <p>i. TWDB employees should not leave their workstations until notified by their supervisors that emergency leave has been granted, unless departure is required for personal safety.</p> <p>ii. TWDB staff who provide skeleton crew coverage for the authorized emergency leave period must record their time as overtime or compensatory time worked. Refer to Fair Labor Standards Act and State Compensatory Time in Chapter 8 for additional information.</p> <p>iii. Employees who are absent or leave the office prior to emergency leave being granted may be required to use annual or other leave.</p> <p>c) Employees will be notified of the Executive Administrator's approval, to include the details of the emergency leave.</p> <p>d) For partial days, employees should record applicable hours of emergency leave granted on their timesheets even when the hours preceding the emergency leave were for other types of leave.</p> <p>2) Emergency (Bereavement) Leave</p> <p>a) TWDB employees will be granted 24 hours of emergency leave because of a death in the employee's family. An employee's spouse or a parent, brother, sister, grandparent, grandchild, or child of the employee or of the employee's spouse are considered family members for the purposes of emergency leave. The Executive Administrator's approval is required for requests in excess of 24 hours.</p> <p>b) An approved Emergency Bereavement Leave Request Form and proof of relationship are required for final approval. A copy of the approved form and obituary announcement, funeral program or similar document must be attached to the employee's timesheet for the month emergency (bereavement) leave was taken. In cases where written proof does not exist, employees must provide a written statement of the relationship.</p> <p>3) Emergency Leave Reporting Not later than October 1 of each fiscal year the agency must report the name and position of each employee granted more than 32 hours of emergency leave during the prior fiscal year; to include the reason for the leave and total hours granted and utilized.</p>
Responsibility	<p>Staff Human Resources Division Division Directors Division DEAs Executive Administrator</p>
Authorization	<p>✓ Texas Government Code § 661.902 ✓ Texas Government Code § 664.061</p>

Forms

HR-020 Emergency Leave Request Form

Chapter 8 - Leave, Time and Attendance	
Section 8.14 - Leave Without Pay (LWOP)	
Policy	Leave without pay (LWOP) deductions are made on a workday basis.
Rules	<ol style="list-style-type: none"> 1) An employee who is on leave without pay will have his or her compensation reduced for the pay period by an amount in accordance with the General Appropriations Act and rules adopted by the Comptroller of Public Accounts. 2) The leave may not exceed 12 months. 3) If a holiday falls on the first workday of a month, the employee must be a state employee on the day immediately after the holiday to be paid. If the holiday falls on the last workday of the month, the employee must be a state employee on the day immediately before the holiday to be paid. To be paid for a holiday that falls on a day other than the first or last workday of the month, the employee must be a state employee on the day before and the day after the holiday. 4) TWDB employees on leave without pay for a full calendar month do not accrue vacation leave, sick leave, or longevity credit for that month. Excluding those employees who are out on military leave, TWDB employees on leave without pay for a full calendar month will not receive credit for state service counted for the purposes of vacation leave and longevity pay entitlement. 5) When an employee is paid for any portion of a month while on leave without pay, his or her vacation leave, and sick leave will accrue. 6) An employee is not allowed to use sick leave or vacation leave until he or she returns to work if he or she was on leave without pay status at the beginning of the month. 7) All accumulated paid leave must be exhausted except in instances of disciplinary suspension, leave covered by workers' compensation benefits, or active military duty situations. Sick leave must first be used only if the employee is eligible to use sick leave under Texas Government Code, Chapter 661, Subchapter G. 8) Supervisors should notify Human Resources as soon as an employee enters leave without pay status. Employees will be pulled from direct deposit for any pay period during which they are on leave without pay. If an employee is on leave without pay more than twice during a six-month period, the employee's direct deposit authorization may be cancelled until the employee restores a cumulative leave balance of at least 40 hours. An employee on leave without pay will receive a printed check that includes a deduction for hours of leave without pay. <p>*Note: TWDB employees on leave without pay for an entire pay period should contact Human Resources for information on payment of insurance premiums to continue group insurance coverage.</p>
Responsibility	Human Resources Division Accounting Division Chief Financial Officer Supervisors Staff
Authorization	<ul style="list-style-type: none"> ✓ Texas Government Code § 659.085 (c) ✓ Texas Government Code §§ 662.005 – 662.010

Chapter 8 - Leave, Time and Attendance	
Section 8.15 - Fair Labor Standards Act (FLSA) Overtime and Compensatory Time	
Policy	The TWDB complies with all applicable federal and state statutes regarding hours worked and leave provisions.
Rules	<p>1) Compensatory Time Policy An employee who is subject to the overtime provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. Sec. 201 et seq. (FLSA), is entitled to compensation for overtime as provided by the FLSA.</p> <p>2) Non-exempt employees: (Time physically worked beyond a 40-hour workweek is referred to as "overtime")</p> <ul style="list-style-type: none"> a) Are entitled to compensation when they are required to work in excess of 40 hours in a work week. b) Earn compensatory time at the rate of 1.5 hours for each hour of overtime worked. c) May be paid for overtime worked at the rate equal to 1.5 times the employee's regular rate of pay. (This method is used only when it is impractical to grant compensatory time off and is done only at the TWDB's discretion.) <p>3) Exempt employees: (Time worked beyond a 40-hour workweek is referred to as "compensatory time")</p> <ul style="list-style-type: none"> a) Are entitled to compensatory time when they accrue in excess of 40 hours in a work week. Hours worked, paid leave, and holidays must exceed a total of 40 hours. b) Earn compensatory time at the rate of 1 hour for each hour of time worked in excess of 40 hours in a work week. c) Are not eligible for lump sum payments for compensatory time. <p>4) Management of Overtime/Compensatory Time:</p> <ul style="list-style-type: none"> a) Supervisors must approve overtime/compensatory time prior to the time being accrued. b) Supervisors certify that overtime/compensatory time is approved upon receipt of their employee's monthly timesheet. c) Compensatory time expires 1 year after the date it is earned (this does not apply to overtime). d) An employee may accumulate compensatory time and overtime for hours worked during any calendar week at the employee's personal residence if the employee obtains advance approval from the employee's Director or DEA e) Compensatory time cannot be earned and taken on the same day. f) Compensatory time (including holiday compensatory time) can be taken in the month it was earned, but it will require supervisory approval. g) FLSA overtime cannot be earned and taken in the same work week. h) Employees with FLSA overtime balances must exhaust all FLSA overtime leave prior to using vacation or compensatory leave. <p>5) Overtime/Compensatory Time and Separating Employees:</p> <ul style="list-style-type: none"> a) Employees with FLSA overtime balances will be paid a lump sum for their overtime upon separation. b) Employees are not eligible for lump sum payments for their compensatory time upon separation. c) Employees may use up to 80 hours of their overtime/compensatory time after their last day on the job; however, it must be used before the effective date of their separation (DEA approval required). <p>6) Accumulation of FLSA Overtime</p> <ul style="list-style-type: none"> a) A non-exempt employee may accumulate overtime credit of no more than 240 hours and must be paid for overtime worked in excess of 240 hours accumulated. b) The rate paid will be equal to 1.5 times the employee's regular rate of pay. Longevity pay is paid at the regular rate. c) The state's participation in the employee's contribution for Social Security is not considered regular pay for this method of compensation. <p>7) Adjusting Standard Workweek for Non-Exempt Employees</p> <ul style="list-style-type: none"> a) The definition for "workweek" under the FLSA is "a regularly recurring period of 168 hours in the form of seven consecutive 24-hour periods."

	<ul style="list-style-type: none"> b) Each workweek is considered separately when computing a covered employee's overtime hours. c) The TWDB standard workweek begins Monday at 12:00 a.m. and ends Sunday at 11:59 p.m. d) TWDB supervisory staff may need to increase work hours for a non- exempt employee to complete their duties. e) When a supervisor allows or requires a non-exempt employee to work extra hours during the workweek, every effort should be made to adjust the work hours during that workweek, so the employee does not work more than 40 hours in the workweek. f) TWDB supervisory staff may consult with Human Resources for assistance in workweek adjustments. <p>8) Definition of Hours Worked for Non-Exempt Employees</p> <ul style="list-style-type: none"> a) When TWDB employees are required or permitted to be on duty at a prescribed workplace, the time is considered hours worked excluding time for meals. <ul style="list-style-type: none"> i. Breaks of 15 minutes or less are counted as time worked. ii. TWDB supervisory staff has the responsibility for managing and requiring overtime. b) As a general rule, home-to-work travel is not compensable. <ul style="list-style-type: none"> i. However, if an employee is required to report to a meeting place where he or she is to pick up materials, equipment, or other employees, or to receive instructions before traveling to the work site, compensable time starts at the time of arrival at the meeting place. ii. Traveling by an employee from one job site to another job site during the workday is compensable. Traveling from an outlying jobsite at the end of the scheduled workday to the employer's premises is compensable. c) TWDB employees who are sent out of town for one day are not paid for the time spent traveling from home to the plane terminal or other point of departure for public transportation. d) When TWDB employees travel overnight on business for more than one day, they must be paid for the time spent traveling during their nonworking days, such as Saturday, Sunday, and holidays, as well as on their regular working days. e) Any actual work the TWDB employee does while traveling is considered time worked. If an employee drives a car without being offered a public conveyance, the travel time is considered time worked. f) A TWDB employee who uses a government car is working while driving on business, but not while going to and from home. g) Attendance at required training, seminars, and TWDB-sponsored training and business functions, conducted in TWDB offices or offsite, is considered time worked. <p>9) Exempt Employees</p> <p>A TWDB employee who is exempt as an executive, professional, administrative, or computer employee under the FLSA may be allowed compensatory time off during the 12-month period following the end of the workweek in which the compensatory time was accrued. The rate of compensatory time off cannot exceed the equivalent time accrued.</p>
Responsibility	Staff Supervisors Division Directors Division DEAs Human Resources Division Executive Administrator
Authorization	<ul style="list-style-type: none"> ✓ Article IX of the General Appropriations Act ✓ Fair Labor Standards Act of 1938 ✓ 29 Code of Federal Regulations § 553.3 ✓ Texas Government Code Chapter 659 ✓ Delegation of Authority Memo Regarding Compensatory Time Off for Work Performed at an Employee's Personal Residence
Forms	HR-017 FLSA Employee Survey

Chapter 11 - Training and Staff Development	
Section 11.04 - Educational Assistance Program	
Policy	Texas Water Development Board (TWDB) full-time employees must request prior approval for participation in the Educational Assistance Program. Management must approve participation at least 30 days in advance of course registration for reimbursement of job-related classroom or online coursework taken for credit at an accredited college or university accredited by either the Council for Higher Education Accreditation (CHEA) or the U.S. Department of Education (USDE).
Rules	<p>1) TWDB employees who take more than one course per semester during normal work hours may request approval from their supervisor to reduce their hours to part time.</p> <ol style="list-style-type: none"> a) Employees must submit a memorandum to the supervisor at least 30 days before the requested date the change to part-time status would begin. b) Reduction in work hours will be approved by supervisors only on a per semester basis. c) Generally, mixing morning and afternoon work periods and work periods of less than four hours are discouraged. <p>2) TWDB employees must request supervisor approval for regular use of accrued leave to attend scheduled classes.</p> <ol style="list-style-type: none"> a) Employees must submit a memorandum to the supervisor at least 30 days in advance of the first requested leave date for regular use of accrued leave. b) Use of leave to attend scheduled classes will be approved by supervisors on a per semester basis. <p>3) State compensatory leave or FLSA overtime may not be accrued for program participation.</p> <p>4) Process:</p> <ol style="list-style-type: none"> a) To apply, an employee must submit an HR-096 Educational Assistance Request form to his or her supervisor/manager at least 30 days prior to course registration through an accredited college or university. The employee must provide justification of how their college degree plan and coursework relates to his or her current position. A description of the degree plan and coursework must be attached. Courses that are not job related will not be reimbursed. b) All approvals must be received prior to starting coursework to be eligible for reimbursement. c) After successful course completion, tuition will be reimbursed only for previously approved courses per the following: <ol style="list-style-type: none"> i. A grade of "B" or better must be obtained for graduate-level courses. ii. A grade of "C" or better must be obtained for undergraduate-level courses. d) Employees are eligible to apply for participation in the Educational Assistance Program after six months of employment with TWDB. e) Individuals must be active TWDB employees at the time of reimbursement. f) Reimbursement of tuition may not exceed \$2,500 per fiscal year, per employee. Funding is provided by divisions and approval of reimbursement is contingent upon the availability of funds. g) Incidental fees, such as parking fees, books, add/drop fees, late fees, identification card fees, transcript fees, etc. will not be reimbursed. h) All reimbursement request documentation must be submitted within 30 days of completion of coursework to Human Resources, along with, proof of tuition payment, an official transcript showing the course grade, and any other requested documents. Failure to submit required documentation within 30 days of course completion will result in the request being denied. <ol style="list-style-type: none"> i. Human Resources will coordinate with Finance on the reimbursement process. ii. All reimbursements require Executive Administrator final approval prior to payment. i) Employees must continue full-time employment for one additional year (12 consecutive and continuous months) after the completion of previously approved coursework. The employee must reimburse the TWDB for amounts paid (on a pro rata basis) for every full month not worked during the 12-month period following course completion.

	<ul style="list-style-type: none"> j) Employees must apply any grant or scholarship aid awarded to them specifically for tuition and required fees before requesting reimbursement from the Board for the same purpose. k) Employees must have had no disciplinary actions in the 12 months preceding the date of reimbursement. l) Employees must have earned a minimum overall job performance rating of “meets expectations” on their last performance appraisal.
Responsibility	Staff Supervisors Division DEAs Human Resources Division Finance Division Executive Administrator
Authorization	<ul style="list-style-type: none"> ✓ Texas Government Code Chapter 656 ✓ State Employees Training Act of 1969 ✓ 31 Texas Administrative Code § 353.31
Forms	HR-096 Educational Assistance Request Form
Eligibility	Six months of employment with TWDB.
Exceptions	Exceptions to the six-month employment requirement may be made by the Division DEA.
