SECTION: Human Resources **NUMBER: 02.D.10**

AREA: Leave Entitlements

SUBJECT: Family Leave Pool

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1. PURPOSE

This document provides information about the UH System's family leave pool program established by the UHS Board of Regents, as well as the policies and procedures relating to operation of the family leave pool. In compliance with the requirements of Texas Government Code, Chapter 661, Subchapter A-1, *State Employee Family Leave Pool*, the purpose of the family leave pool program is to:

a. Provide eligible university employees more flexibility in:

(1) Bonding with and caring for children during a child's first year following birth, adoption, or foster placement; and

(2) Caring for a seriously ill family member or the employee, including pandemic-related illnesses or complications caused by a pandemic; and

b. Allow employees to apply for leave time under the family leave pool.

2. POLICY

2.1. An employee may be eligible to use time contributed to the family leave pool of the university that employs the employee, if the employee has exhausted the employee's eligible compensatory, discretionary, sick, and vacation leave because of:

(1) the birth of a child;

(2) the placement of a foster child or adoption of a child under 18 years of age;

(3) the placement of any person 18 years of age or older requiring guardianship;

(4) a serious illness to an immediate family member or the employee, including a pandemic-related illness;

(5) an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member; or

(6) a previous donation of time to the pool.

2.2 An employee who applies to use time under Section 2.1 to care for another person must submit and be listed on the other person's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent, or provide documentation that the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.

3. DEFINITIONS

3.1. Immediate family member: For the purposes of this policy only, an immediate family member is an individual for whom the employee is listed on the other person's birth certificate, birth facts, or adoption or foster paperwork for a child under 18 years of age, including being listed as the mother, father, adoptive parent, foster parent, or partner of the child's mother, adoptive parent, or foster parent; or for whom the employee is the guardian of a person who is 18 years of age or older and requiring guardianship.

3.2. Licensed practitioner: A practitioner or physician as licensed by their respective state or country.

4. SUPPORT INFORMATION

4.1. CONTRIBUTION TO FAMILY LEAVE POOL

4.1.1. An employee may contribute to the family leave pool one or more days of the employee's accrued sick or vacation leave.

4.1.2. The pool administrator shall credit the family leave pool with the amount of time contributed by an employee and deduct a corresponding amount of time from the employee's earned sick or vacation leave as if the employee had used the time for personal purposes.

4.1.3. A retiring employee may designate the number of their accrued sick or vacation leave hours to be used for retirement credit and the number of their accrued sick or vacation leave hours to be donated on retirement to the sick or family leave pool.

4.2. WITHDRAWAL OF TIME FROM POOL

4.2.1. An employee may apply to the pool administrator for permission to withdraw time from the family leave pool.

4.2.2. If the employee is seeking permission to withdraw time because of a serious illness, including a pandemic-related illness, of an immediate family member or the employee and does not qualify for or has exhausted time

available in the sick leave pool, then the employee must provide the pool administrator with the Leave Pool and Sick Leave Donation Health Care Provider Medical Certification form from the licensed practitioner who is treating the employee or the employee's immediate family member.

4.2.3. If the employee is seeking permission to withdraw time because of an extenuating circumstance created by an ongoing pandemic, including providing essential care to a family member, the employee must provide any applicable documentation, including an essential caregiver designation, proof of closure of a school or daycare, or other appropriate documentation. The documentation must contain sufficient information to allow the Family Leave Pool administrator to evaluate the employee's eligibility. If eligibility cannot be determined from the documentation submitted, the application will be denied.

4.2.4. If the pool administrator determines the employee is eligible, the administrator shall:

(a) approve the transfer of time from the pool to the employee; and

(b) credit the time to the employee.

4.3. LIMITATION ON WITHDRAWALS

4.3.1. Those employed in a position that does not accrue sick leave are not eligible to participate in the family leave pool.

4.3.2. An employee may not withdraw time from the family leave pool in an amount that exceeds the lesser of:

(a) one-third of the total time in the pool; or

(b) 90 days.

4.3.3. Subject to Section 4.3.2, the pool administrator shall determine the amount of time that an employee may withdraw from the family leave pool.

4.4. EQUAL TREATMENT

An employee absent while using time withdrawn from the family leave pool may use the time as sick leave earned by the employee. The employee shall be treated for all purposes as if the employee is absent on earned sick leave.

4.5. NO ENTITLEMENT TO ESTATE

The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the family leave pool.

5. PROCEDURES

5.1. Administrative Guidelines

The Chief Human Resources Officer (CHRO) or designee for each university within the UH System is the family leave pool coordinator for that university. The CHRO or designee, is responsible for:

- Interpreting policy;
- Obtaining approval for pool procedures;
- Implementing the records maintenance system;
- Maintaining family leave pool records;
- Ensuring that systems are in place so that contributions and withdrawals are conducted according to policy;
- Communicating family leave pool operating procedures to employees and interpreting procedures and policies;
- Approving withdrawals from the family leave pool at the university level; and
- Ensuring that all employees eligible for participation in the family leave pool program are treated equitably according to established procedures.

5.2. Eligible Employees

Employees eligible to participate are those employees who:

5.2.1. Are employed for and have worked one-half or more of the standard workload for a definite period of four and one-half months or more during an academic year and have completed their probationary period; and

5.2.2. Exhaust all accrued sick leave, compensatory leave, extended sick leave, vacation and any other paid leave times to which they are entitled due to the factors listed in section 2.1 above.

5.3. Ineligible Employees

5.3.1. Those employed less than one-half the standard workload, and those with irregular, seasonal or temporary employment for a definite period of less

than four and one-half months, or have not worked at least four and one-half months during an academic year are ineligible to participate.

5.3.2. Those employed in a position that does not accrue sick leave are not eligible to participate in the family leave pool.

5.3.3. Student employees are not eligible if student status is a required condition of their employment.

5.3.4. Probationary employees and retirees are not eligible to participate in the family leave pool.

5.3.5. Employees are not eligible to receive Family Leave Pool and Sick Leave Pool benefits in the same leave occurrence, except for when the family leave pool withdrawal request circumstances meet the following criteria:

A. The employee has exhausted all earned leave time and risks losing compensation; and

B. The family leave pool withdrawal requested leave dates are within the 30 consecutive days waiting period for sick leave pool benefits.

5.3.6. Employees on leave without pay are not eligible unless their leave without pay status is a result of depleting accrued paid leave because of the factor from Section 2.1 above. If an employee has returned from leave without pay, then the employee is ineligible until they complete a minimum of 30 active workdays.

5.3.7. The Chancellor of the System and the Presidents of universities within the System are not eligible to participate in the family leave pool.

5.3.8. Employees with a work-related catastrophic illness or injury that is covered by Workers' Compensation Insurance are not eligible to withdraw time from the family leave pool.

5.4. Family Leave Pool Contribution Procedures

5.4.1. Contributions to the family leave pool are voluntary and may be made at any time during the year by submitting written requests to the university's family leave pool administrator.

5.4.2. Eligible active employees may contribute to the family leave pool any amount of sick or vacation leave hours up to and including their total sick or vacation leave balance.

5.4.3. Contributions to the family leave pool are irrevocable.

5.4.4. Employees who make contributions may not stipulate who is to receive family leave pool benefits.

5.4.5. University Human Resources Department representatives will inform each eligible terminating employee of the option to contribute to the family leave pool prior to the employee's termination date.

5.5. Family Leave Pool Withdrawal Procedures

5.5.1. Family leave pool withdrawal requests are voluntary.

5.5.2. Eligible active employees may request family leave pool time by submitting written requests to the university's family leave pool administrator.

5.5.3. Days paid from the family leave pool will be calculated at the employee's regular full-time equivalency. An employee cannot receive daily family leave pool pay in an amount greater than their regular base rate, excluding premium pay additions.

5.5.4. The department(s) that normally bear(s) the employee's earned family leave pool expense will also bear the expense of family leave awarded from the family leave pool.

5.5.5. If the employee is seeking permission to withdraw time because of a serious illness, including a pandemic-related illness, of an immediate family member or the employee, the written statement from the licensed practitioner who is treating the employee or the employee's immediate family member must include expected duration of the illness and expected return to work date. A treating licensed practitioner's statement must be submitted for each 30-day period of family leave pool time requested. Family leave pool time will not be granted for any days not covered by a licensed practitioner's statement.

5.5.6. The university reserves the right to require additional licensed practitioner statements from providers of its choice. The expense of such additional statements will be borne by the employing university.

5.5.7. Withdrawal requests will be processed on a first-come, first-served basis, regardless of method of delivery, according to date and time of receipt by the System Benefits Coordinator.

5.5.8. Employees will be granted family leave pool time in an amount not to exceed 30 consecutive working days or one-third of the balance of hours in the family leave pool, whichever is less.

5.5.9. An employee may receive a maximum of 90 working days from the family leave pool.

5.5.10. An employee may not request or be granted family leave pool time when less than five days remain in the family leave pool. If less than five days are available in the family leave pool, then the employee's request will be held and will be processed when five or more days become available in the pool. If five or more days are available in the family leave pool, but fewer days are available than the employee requests, then the employee is granted the number of days in the family leave pool, up to the limits included in this policy. Though the employee may receive fewer days than the requested number, the request is not held, nor is additional time granted retroactively should days become available at a later time. The employee may make a new request for withdrawal of family leave pool time. This request would be processed according to regular withdrawal guidelines.

5.5.11. Employees on pool family leave continue to accrue regular earned sick leave and vacation. Regular earned leave must be exhausted before qualifying for additional family leave pool time.

5.5.12. It is the employee's responsibility to notify their supervisor that they have applied for family leave pool time and their expected length of absence. In addition, the employee must contact their supervisor at least once every two weeks while on family leave pool to keep the supervisor advised of the employee's situation and intent to return to work. The lack of such documentation and contact with the university will be considered job abandonment, which will result in the termination of the employee.

5.5.13. An employee enrolled in the System's Short-Term Disability plan must have made application to that plan if the qualifying factor is an illness which is a disability that will continue 30 or more calendar days. An employee enrolled in the System's Long-Term Disability plan must have made application to that plan if the qualifying factor is an illness which is a disability that will continue 90 or more calendar days. Long-term disability benefits will begin after all sick leave pay, extended sick leave pay, sick leave pool pay, and family leave pool pay have been exhausted.

5.5.14. An employee is eligible to use time contributed to the family leave pool if the employee has exhausted sick leave because of a catastrophic illness or injury or a previous donation of time to the pool. Only the number of days contributed during the fiscal year may be requested. In this case, the employee may withdraw less than five days.

5.5.15. The estate of a deceased employee is not entitled to payment for unused family leave acquired by that employee from the family leave pool or previously donated to the pool.

5.5.16. Any unused balance of pool family leave granted to an employee returns to the pool.

6. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice Chancellor, Human Resources

Review: Every five years

7. APPROVAL

Approved: /Raymond Bartlett/
Senior Vice Chancellor for Administration and Finance

/Renu Khator/
Chancellor

Date: May 12, 2026

8. REFERENCES AND RESOURCES

Texas Government Code Chapter 661, Subchapter A-1 – *State Employee Family Leave Pool*
SAM 02.D.04 – *Types of Employee Leave*