

Amendments to the Sick Leave Pool Section of the Harris County Personnel Policies & Procedures

12.05 SICK LEAVE POOL

The purpose of the Sick Leave Pool Program is to alleviate the financial, health and emotional hardship caused when a Catastrophic Injury or Illness forces an employee to exhaust all accrued paid leave and subsequently lose compensation and benefits from Harris County.

12.051 Eligibility

To participate in the program, including contributing to, and receiving benefits from the Pool, [Regular Position Employees](#) must ~~meet the following requirements:~~

~~H~~ave been continuously employed by the County for at least twelve (12) months immediately preceding participation in the program.

~~Must enroll in the program by donating between a minimum of eight (8) hours to a maximum of (40) hours of Sick Leave and/or Vacation Leave to the Pool each Fiscal Year during the registration period.~~

Participation in the program ceases once an employee is no longer in a Regular Position.

12.052 Enrollment (Donations)

Upon eligibility, an employee may ~~enroll in the program by donating~~ between a minimum of eight (8) hours to a maximum of forty (40) hours of Sick Leave and/or Vacation Leave to the Pool each Fiscal Year during enrollment period(s). The donation cannot cause the employee's combined Sick Leave or Vacation Leave balance to fall below ~~eighty~~ forty (~~84~~40) hours.

Donations to the Pool are strictly voluntary; however, to be eligible to use Catastrophic Leave from the Pool, an employee must donate to the Pool each Fiscal Year.

12.0521 Time donated to the Pool is irrevocable and is not designated to any particular employee. ~~Enrollment in the Program and~~ ~~d~~Donation to the Pool is not a guarantee that an employee will receive any Catastrophic Leave from the Pool.

12.0522 When an eligible employee voluntarily or involuntarily separates employment from the County, the employee may donate up to an additional ten (10) days (80 hours) of combined Sick and Vacation Leave hours to take effect immediately before the effective date of separation.

12.053 **Catastrophic Leave Requests**

12.0531 Catastrophic Leave is defined as a "Serious Health Condition" as defined under the Family Medical Leave Act (FMLA) in Section 12.1317 of the Harris County Personnel Policies and Procedures. FMLA defines a serious health condition as an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, or residential medical care facility; or (B) continuing treatment by a health care provider.

12.0532 A Serious Health Condition includes ailments such as, but not limited to, cancer, myocardial infarction, stroke, chronic obstructive pulmonary disease, chronic liver disease and cirrhosis, chronic kidney disease and injuries from accidents, including motor vehicle accidents. Incapacity or disability related to pregnancy is considered a serious health condition (does not apply to bonding time after pregnancy). Catastrophic Leave requests for stress-related illness, including mental distress and depression, may only be granted for hospitalization.

12.0533 Only eligible employees ~~enrolled in the Program~~ are permitted to request and receive Catastrophic Leave from the Pool for their own serious health condition. Catastrophic Leave cannot be used to care for a family member.

12.0534 Employees who are placed on an approved leave of absence or who are receiving Workers' Compensation indemnity benefits are not eligible to receive Catastrophic

Leave from the Pool.

- 12.0535 The employee must have a Catastrophic Injury or Illness and must have exhausted all accrued paid leave and compensatory time before requestingreceiving Catastrophic Leave from the Pool. The employee must be absent at least ten (10) continuous work days before receiving Catastrophic Leave from the Pool.
- 12.0536 The maximum amount of Catastrophic Leave that can be given to an employee in a rolling twelve (12) month period is the lesser of:
- The number of hours needed to cover the employee's absence due to the Catastrophic Injury or Illness,
 - Sixty (60) work days (480 hours) for employees who donated to the Pool for the fiscal year or twenty (20) work days (160 hours) for employees who did not donate to the Pool for the fiscal year,
or
 - One-third of the total amount of time in the Pool.
- 12.0537 Catastrophic Leave will be administered on a first-come, first-serve basis, determined by the date or time when all necessary information has been provided. If there are not enough hours available in the Pool to cover requests for Catastrophic Leave, employees who donated to the Pool during the fiscal year will be given preference. The Administrator determines eligibility and the amount of Catastrophic Leave given. All decisions by the Administrator are final.
- 12.0538 Catastrophic Leave is treated for all purposes as if the employee were absent on Sick Leave. All Catastrophic Leave used from the Pool will count towards the employee's available FMLA entitlement.
- 12.0539 All unused Catastrophic Leave granted to the employee shall be returned to the Pool under any of the following conditions:
- The employee returns to work full-time;
 - The employee voluntarily or involuntarily separates employment with the County;

- The employee becomes deceased;
- The employee voluntarily cancels their participation in the Program; or
- The employee violates this policy and/or commits fraud or misrepresentation in the request or use of Catastrophic Leave;

An estate of a deceased employee is not entitled to payment for unused Catastrophic Leave acquired by the employee from the Pool.

12.054 **Coordination with Other Benefits**

12.0541 An employee is no longer permitted to receive or use Catastrophic Leave when they ~~become eligible to begin~~ receiving Workers' Compensation indemnity benefits, long-term disability benefits, Social Security disability benefits, or any other supplemental benefits.

12.0542 An employee receiving Catastrophic Leave may not perform any outside work or engage in any extra duty employment while using Catastrophic Leave.

Amendments to the Paid Parental Leave Section of the Harris County Personnel Policies & Procedures

12.08 PAID PARENTAL LEAVE

Harris County proudly promotes a family-friendly workplace by providing paid leave to eligible employees to bond and care for a child after the birth, adoption, or foster-to-adopt placement.

12.081 The **Rolling 12 – Month Period** in this section is defined as a period of 12 consecutive months on a rolling basis, with a new 12-month period starting after the exhaustion of the employee’s previous approved Paid Parental Leave or the last day the employee used Paid Parental Leave.

12.082 Eligibility

12.0821 To be eligible for Paid Parental Leave and Infant Sick Leave, employees must meet the following criteria:

- Be a full-time, [Regular Position Employee](#) (part-time and temporary employees are not eligible); and
- Been continuously employed with the County as a full-time, regular employee for at least 180 consecutive calendar days immediately preceding the birth, adoption, or foster-to-adopt placement of a child.

In addition, employees must meet one of the following criteria:

- Be a new parent by birth of a child;
- Be the new adoptive parent of a child who is 17 years or younger; or
- Be the foster parent to a new foster-to-adopt child who is 17 years or younger and placed with the foster parent.

*This policy applies to a child that is newly added to the household through birth, adoption, or foster care and not a child who ~~is already has been~~ a member of the household for over a year. **This policy also does not apply to the adoption of a stepchild by a stepparent. If both parents work for Harris County, then each employee is entitled to their own paid leave***

12.083 Amount and Use of Leave

12.0831 Starting March 12, 2022 January 14, 2023, employees who have reached 45 consecutive calendar days of employment but have not reached 180 consecutive calendar days of continuous employment immediately preceding the birth, adoption, or foster-to-adopt placement

of a child may receive Paid Parental Leave as outlined in the following table.

Continuous Employment As a <u>Regular Position Employee</u>		Maximum Paid Parental Leave During Rolling 12-Month Rolling Calendar Year
At Least	Less Than	
45 Days	90 Days	2.53 Weeks/ 1200 Hours
90 Days	180 Days	56 Weeks/ 2400 Hours
180 Days		120 Weeks/ 4800 Hours

**Employees will not receive more than the allotted maximum balance within a rolling 12 – month– period starting from the exhaustion of any previous approved Paid Parental Leave.

** Births and adoptions that occur before January 14, 2023, are eligible for a maximum of 10 weeks/400 hours of Paid Parental Leave per the previous policy.

Example: *Brian is expecting a child with his significant other and has applied for Paid Parental Leave. He has been employed with the County for 45 consecutive calendar days, but will not have 180 consecutive calendar days of employment before the expected birth of his child to be eligible for the maximum ~~120~~ weeks (~~4800~~ hours) of Paid Parental Leave. However, Brian will be eligible to use ~~1200~~ hours of Paid Parental Leave immediately preceding the birth of his child. He may also use other available paid leave, such as accrued vacation or compensatory time, with his department head’s approval for parental support purposes.*

12.0832 Employees will not receive more than the maximum allotted amount of Paid Parental Leave in a rolling 12-month period starting from the exhaustion of the previous approved Paid Parental Leave or the last day the employee used Paid Parental Leave, regardless of whether more than one birth, adoption, or placement event occurs within that 12-month time frame.

Example: *Kimberly adopted a child with an effective court order date of ~~February-March 315, 20242~~. She used ~~8-10~~ weeks of Paid Parental Leave from ~~June 3ly-14, 20221~~ to ~~September 8, 2021August 12,~~*

2022. Kimberly adopted another child, with an effective court order date of May 26, 2022. Kimberly ~~and~~ will not be eligible for ~~40 weeks of Paid Parental Leave for the second adoption (Kimberly would qualify for starting September 9, 2022, which is 12 months after the exhaustion of the previous Paid Parental Leave for a birth or adoption occurring after August 12, 2022).~~

- 12.0833 For child bonding purposes, Paid Parental Leave must be used entirely before other forms of paid or unpaid leave are used after the birth, adoption, or foster-to-adopt placement of a child.
- 12.0834 Approved Paid Parental Leave may be taken at any time during the 12-month period immediately following the birth, adoption or foster-to-adopt placement of a child with the employee. Paid Parental Leave may not be used or extended beyond this 12-month time frame.
- 12.0835 Employees must take Paid Parental Leave in one continuous period of leave unless the employee's Department Head allows the employee to use Paid Parental Leave intermittently.
- 12.0836 Paid Parental Leave is compensated at the employee's regular rate of pay. Any unused Paid Parental Leave is not compensable and will be forfeited at the end of the 12-month time frame or when an employee separates from employment with Harris County or moves to an ineligible position, whichever occurs first.
- 12.0837 **Recipients of Paid Parental Leave must maintain full-time employment with Harris County for at least 180 consecutive calendar days of continuous service immediately after the expiration of approved leave, or reimburse Harris County for the Paid Parental Leave funds received.**
- 12.0838 **Harris County shall be entitled to recover from the employee any Paid Parental Leave funds received if such employee does not return to work as a full-time Regular Position Employee for at least 180 days of continuous service after receiving Paid Parental Leave.**
- 12.084 **Requesting Paid Parental Leave**
- 12.0841 Employees should notify their supervisor or Department Head of their intention to request Paid Parental Leave as soon as practicable and provide them with the anticipated start date and duration of the leave. **Department Heads may delay Paid Parental Leave if advanced notice of the leave is not given.**

- 12.0842 To receive Paid Parental Leave, eligible employees must complete a [Request for Paid Parental Leave Form](#) and submit it to their department's human resources representative.
- 12.0843 The request must include appropriate documentation that shows the employee's use of Paid Parental Leave is directly connected to a birth, adoption, or foster-to-adopt placement of a child. If the employee is eligible for FMLA leave, the FMLA leave requirements will govern, and the FMLA documentation provided will be used to verify eligibility.
- 12.0844 If the employee is not eligible for FMLA leave, proof of the birth or placement of the child must be provided. The employee's name must be included as a legal parent on the birth certificate or legal document establishing paternity or establishing adoption/placement.
- 12.0845 **To qualify for Paid Parental Leave, documentation of the birth or adoption/placement of a child must be submitted as soon as it becomes available and no later than thirty (30) days after the birth or adoption/ placement.**
- 12.0846 If the employee fails to provide the Department Head with the required documentation or certification within the specified time period, the Department Head should determine that the employee is not entitled to Paid Parental Leave and should require that the absence be charged to leave without pay or other forms of paid time off.
- 12.0847 To validate an absence, appropriate documentation may be required at any time if requested by the department, Central HR, or Payroll. Paid Parental Leave may be denied if appropriate documentation is not received.

Employees begin their Paid Parental Leave on the date specified in their request unless their child is born or adopted earlier or later. In these cases, employees need to notify their department and Central HR as soon as possible to be able to begin leave.

12.085 Limitations of Paid Parental Leave

- 12.0851 An employee may not use Paid Parental Leave in excess of the employee's normally scheduled workweek.

- 12.0852 For Paid Parental Leave to be used on a part-time (intermittent) basis, the leave schedule must be consistent with the department's operational needs and be approved in writing by the Department Head prior to the beginning of the leave.
- 12.0853 Eligible employees are strongly encouraged to plan in advance for when they expect to use Paid Parental Leave and communicate their plans to their immediate supervisor or Department Head, so they can do the necessary planning for their department's operational needs. ~~Department heads may delay Paid Parental Leave if advanced notice of the leave is not given.~~
- 12.0854 **Paid Parental Leave must be used only for caring for or bonding with the child. Employees are not allowed to engage in any employment during the time the employee is taking Paid Parental Leave.** Department Heads may also adopt policies prohibiting their employees from engaging in any employment while on any type of paid leave including Paid Parental Leave. Department Heads may take disciplinary action against an employee who uses Paid Parental Leave for purposes other than those described in this policy.
- 12.0855 Employees out on Workers' Compensation or Leave of Absence (LOA) are not eligible for Paid Parental Leave.
- 12.086 **Coordination with Other Leave**
- 12.0861 Paid Parental Leave is a supplement to the employee's existing sick and other leave at the time of the qualifying event (birth, adoption, or foster-to-adopt placement).
- 12.0862 Paid Parental Leave is designed to run concurrently with FMLA and is not intended to extend the 12-week FMLA period. An employee on Paid Parental Leave who meets the FMLA eligibility requirements will be placed on FMLA leave at the start of the Paid Parental Leave. If the employee meets FMLA eligibility during the Paid Parental Leave period, the employee will be placed on FMLA at that time. All other requirements and provisions under the FMLA will apply.
- 12.0863 The County will maintain all benefits for employees during the Paid Parental Leave period just as if they were taking any other County paid leave.

Employees must follow their department's call-in procedures and provide periodic status reports to their department when on Paid Parental Leave.

12.09 INFANT SICK LEAVE

In recognition of the additional medical care needs of infants after birth, Harris County will provide eligible employees up to 40 hours of Infant Sick Leave to seek medical care for their infants during the infant's first year. An employee will not receive more than the maximum allotted amount of Infant Sick Leave in a rolling 12-month period, regardless of whether more than one birth, adoption, or foster-to-adopt placement event occurs within that 12-month time frame. The Infant Sick Leave expires a year after the birth and also applies to adopted and foster-to-adopt placement infants. Eligible employees must provide medical documentation to support the need to use Infant Sick Leave.

Example: *Jessica's baby was born on May 2, 2022. Jessica has until May 1, 2023 to use up to 40 hours of Infant Sick Leave to seek medical care for her infant.*
