

POLICY GUIDELINES FOR EMERGENCY LEAVE PROGRAM
(Tex. Gov't Code. 661.252 & 661.902, 661.923)

Effective: 9/1/17

Program Purpose

Pursuant to Texas Government Code § 661.252, the Office of the Governor (OOG) is providing staff with clear guidelines to establish under what circumstances an employee may be entitled to or granted emergency leave provided by Tex. Gov't Code Chapter 661. OOG leave provisions are incorporated herein by reference and the following supplement is provided:

Emergency Leave: The administrative head of OOG may grant emergency leave for a reason other than a reason described under section 661.902(a) of the Government Code, which provides emergency leave because of a death in the employee's family.

The administrative head shall grant emergency leave if

- 1) the employee requests the leave; *and*
- 2) the administrative head determines the employee has shown good cause for taking emergency leave; *and*
- 3) the administrative head believes in good faith that the employee being granted the leave intends to return to the employee's agency position upon expiration of the leave granted.

Guidelines for providing good cause are provided below in this policy section, along with the process for requesting emergency leave.

Not later than October 1 of each year, the administrative head or their designee shall report to the Comptroller the name and position of each OOG employee granted more than 32 hours of emergency leave during the previous state fiscal year, the reason for the granting of such leave, and the total number of hours of emergency leave granted to the employee in the state fiscal year.

Emergency Leave due to Inclement Weather or Observance of a Holiday: The administrative head of OOG may grant emergency leave because the agency is closed due to weather conditions or in observance of a holiday. [Tex. Gov't Code § 661.902(c)]

Emergency Leave During Agency Investigation: The administrative head of OOG may grant emergency leave to an OOG employee who is the subject of an investigation being conducted by the agency. The OOG employee who is subject to an agency investigation is ineligible to receive leave for that reason under any other provision of Subchapter Z, Chapter 661 of the Government Code. Not later than the last day of each quarter, OOG shall report to the State Auditor and the Legislative Budget Board each OOG employee who has been granted 168 hours or more of leave under this provision during the fiscal quarter. The report must include a brief statement as to the reason each such employee remains on leave. [Tex. Gov't Code § 661.923]

The administrative head of OOG may also grant emergency leave to an OOG employee who is the victim of, or a witness to, an act or event that is the subject of an OOG investigation.

Medical and Mental Health Leave for Certain Veterans: An OOG employee who is a veteran as defined by Section 434.023(a) of the Government Code and is eligible to receive health benefits under a program administered by the Veterans Health Administration (VHA) of the U.S. Department of Veterans Affairs may be granted emergency leave without loss of vacation time, sick leave, earned overtime credit, or state compensatory time to obtain medical or mental health care administered by VHA, including physical rehabilitation. Leave granted under this provision may not exceed fifteen (15) days each fiscal year, unless the administrative head of OOG determines it is appropriate to grant additional days of emergency leave. [Tex. Gov't Code § 661.924]

GUIDELINES FOR REQUESTING EMERGENCY LEAVE AND PROVIDING GOOD CAUSE:

- A request shall be in writing and directed to the Human Resources Department. Reasonable advance notice, if practicable, should be provided by the requesting employee.
- The request should confirm that the employee intends to return to his or her position at the expiration of granted leave.
- Employees are not entitled to receive emergency leave. Employees must submit a written request for emergency leave, and must show good cause to support the request and confirm their intent to return to their position at the expiration of leave.
- The administrative head determines what good cause is.
- Sick leave and vacation leave accruals will continue during an employee's use of emergency leave.
- A recipient's approval for emergency leave does not prevent the employer from exercising its right to terminate the employee.
- The recipient of emergency leave is not to work elsewhere while on emergency leave.
- If the request does not involve medical and mental health leave for a veteran, then the employee should explain why they do not wish to utilize any available vacation leave, compensatory leave or overtime leave or sick leave, if applicable.
- If the employee does not utilize the full grant of the emergency leave, then any remaining unused emergency leave expires upon return to work by the employee.
- An employee will not be granted compensation for any unused emergency leave.
- The requesting employee must provide medical certification to confirm the period of time for which leave is being requested if the request involves the employee's own medical situation or condition. If the request involves a family member's condition, then the employee is to provide sufficient details from which the administrative agency head can assess the circumstances.