

Sixth Court of Appeals Leave Policy

**Adopted December 6, 2017
Revised August 7, 2025**

LEAVE POLICY FOR SIXTH COURT OF APPEALS

It is the policy of this The Sixth Court of Appeal (Court) to comply with the terms of Chapter 661 of the Texas Government Code as it is amended from time to time. At the time of the initial adoption of this policy, the types of leave governed by Chapter 661 included the following:

- Sick Leave Pool (§§ 661.001–.008),
- Vacation Leave (§ 661.151–.153),
- Sick Leave (§ 661.201–.207),
- Emergency Leave (death in family, § 661.902(a)),
- Other Emergency Leave (for good cause, § 661.902(b)),
- National Guard Emergency leave (§§ 661.903, 661.904(d), (f), and 661.9041),
- Military Leave (§ 661.904),
- Emergency Volunteer Leave (“emergency medical services volunteers” or “volunteer firefighters,” § 661.905),
- Foster Parent Leave § 661.906),
- Red Cross Disaster Service Leave § 661.907),
- Leave of Absence (§ 661.909),
- Assistance Dog Training Leave (§ 661.910),
- Outstanding-Performance Administrative Leave (§ 661.911),
- Family and Medical Leave (§ 661.912),
- Parental Leave (§ 661.913),
- Voting Leave (§ 661.914),
- Organ or Bone Marrow Donor Leave (§ 661.916),
- Blood Donation Leave (§ 661.917),
- Amateur Radio Operator Leave (§ 661.919),
- CASA Volunteer Leave (§ 661.921),
- Reserve Law Enforcement Officer Leave (§ 661.922),
- Leave During Agency Investigation (§ 661.923),
- Medical and Mental Health Care Leave for Certain Veterans (§ 661.924).

The types of leave to be covered by this Court’s Leave Policy are intended to expand or contract as Chapter 661 is amended, over time, to expand or contract the types of leave covered under that Chapter, and it is the policy of this Court to cover any types of leave set out, at any time, in Chapter 661 and to exclude any not set out, at any time, in Chapter 661.

The intent of this policy is to govern leave for court employees under Chapter 661 and to supplement those statutes that may be part of Chapter 661 from time to time, to provide clear and objective guidelines to establish under what circumstances an employee of the Court may be entitled to, or may be granted, each type of leave provided by Chapter 661.

These following sections outline work time requirements and leave benefits for Court employees. Leave allowances and policies are subject to change to conform with the law and policy of the State.

1. Regular Work Hours

a. Work Hours

The Court Clerk's Office shall be open to the public and maintain work hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, unless the Court is closed for a holiday or emergency situation. *See* TEX. GOV'T CODE § 658.005.

With prior authorization of an employee's supervisor, an employee may work on flex-time and may receive time credit for working through lunch. Flex-time is a system allowing flexibility of working hours at the beginning and end of the day. Such variations in schedules are privileges, subject to revision or modification for any reason and at any time, at the discretion of the employee's supervisor.

All employees paid a full-time salary shall work not less than forty (40) hours per week. TEX. GOV'T CODE § 658.002.

b. Documentation

Employees will complete a monthly time sheet accounting for all leave taken and forward it to the Court Clerk for approval. Approved timesheets will be entered by the Court Clerk or other CAPPs superuser into the official system adopted by the comptroller for documenting and tracking employee leave (currently the CAPPs system). *See* TEX. GOV'T CODE § 2101.042.

c. Lunch and Breaks

One hour is allowed for lunch. Generally, a lunch break is taken from noon to 1:00 p.m. However, the employees of the Clerk's Office are to coordinate their schedules so that at least one person is on duty to accept calls, receive visitors, and transact business from noon to 1:00 p.m. *See* TEX. GOV'T CODE § 658.005. Without prior approval from an employee's supervisor, an employee should not take the lunch hour at the start or the end of the day. Also, employees should not take a lunch hour that is less than one hour as a justification for an unauthorized tardiness or an unauthorized early departure from the workplace.

Employees may take a 15-minute break in the morning and a 15-minute break in the afternoon. Rest breaks cannot be accrued or accumulated to justify an unauthorized tardiness, extend a lunch break, or shorten the workday.

2. Overtime and Compensatory Time

Most of the employees of the Court are either excluded from the Fair Labor Standards Act of 1938 (FLSA) or are exempt employees under its provisions. *See* 29 U.S.C. § 201, *et seq.* If an employee has a question about his or her status under the FLSA, he or she should contact the Court Clerk.

a. Excluded and Exempt Employees

Employees will be allowed compensatory time off for any hours recorded in excess of 40 during a work week, which excess hours were authorized in advance by the employee’s supervisor, subject to conditions set forth below. Work hours may be a combination of paid leave, holidays, and actual hours worked. The compensatory time earned must be taken within the 12-month period following the end of the work week in which the excess hours were accrued, or it expires. TEX. GOV’T CODE § 659.016. Compensatory time is accrued at a rate of one hour for each hour worked. *Id.* Employees will not be paid for any unused, unexpired compensatory time.

Employees must give reasonable advance notice to their supervisor and receive approval before taking compensatory time off.

For purposes of providing notice to a supervisor under this Leave Policy, staff attorneys shall give reasonable advance notice to the Chief Staff Attorney; deputy clerks, legal assistants and the executive assistant shall give reasonable advance notice to the Court Clerk; and the Court Clerk and the Chief Staff Attorney shall give reasonable advance notice to the Chief Justice.

b. Non-Exempt Employees

Overtime eligibility for non-exempt employees is governed by the provisions of the FLSA. *See* TEX. GOV’T CODE § 659.015; *see also* 29 U.S.C. § 201, *et seq.* Time worked in addition to an employee’s regular 40-hour work schedule may be credited as overtime or compensatory time depending on whether the employee:

1. is designated as non-exempt; and
2. has actually worked 40 hours during the week or has taken any leave during the week.

Non-exempt employees must obtain approval from the Chief Justice prior to working over 40 hours in a week. If such time is approved, then the compensatory time must be taken within the 12-month period following the end of the work week in which the excess hours were accrued, or it expires. TEX. GOV’T CODE § 659.015. Working over 40 hours without prior approval from the Chief Justice may be grounds for disciplinary action, up to and including termination.

3. Holidays

The State recognizes three types of holidays: national, state, and optional. *See* TEX. GOV’T CODE § 662.003. Eligible employees are entitled to a paid day off from work on the specific national and state holidays specified by the Legislature. *See* TEX. GOV’T CODE § 662.005

The Court will have a sufficient number of employees on duty during a state holiday (skeleton crew day) to conduct the public business of the Court except for those state holidays that fall on a Saturday or Sunday, the Friday after Thanksgiving Day, or December 24th and 26th. TEX. GOV'T CODE § 662.004. Employees who must work on a skeleton crew day will accrue holiday compensatory time, which they may take during the 12-month period following the date of the holiday worked. TEX. GOV'T CODE § 662.007. Holiday compensatory time not taken within that 12-month period will expire.

An eligible employee is also entitled to a paid day off from work on an optional holiday if the employee agrees to give up (*i.e.*, to work on) a state holiday (skeleton crew day) during the same fiscal year. *See* TEX. GOV'T CODE § 662.006. Before taking an optional holiday, an employee must notify in writing his or her supervisor and the Court Clerk of the optional holiday he or she intends to take and the state holiday he or she intends to work. This notice should be given and approved before either holiday occurs. If the employee thereafter fails to work the skeleton crew day, the employee will be charged a day of vacation leave. If vacation leave is not available, he or she will be charged a day of leave without pay.

4. Bad Weather Policy

Employees of the Court are not expected to come to work when weather and road conditions between their home and the Court present a direct threat to life and personal property.

If the Texarkana Independent School District (TISD) closes its schools due to extreme weather, all Court employees should work regular hours from home, to the extent possible. If TISD starts later in the day due to weather conditions, all Court employees should start at that later time. That is, if TISD starts two hours late, then Court employees will be expected to be at the office and physically open the Court two hours late.

If TISD schools remain open during extreme weather, then the Court will be considered to be open and employees will be expected to report to work. Employees who are unable to report to work because of extreme weather conditions in the area in which they live will be expected to use leave time for the time they are out unless other arrangements are made with the employee's supervisor. The Chief Justice may excuse the time an employee is out under these conditions upon presentation of sufficient documentation of the conditions prompting the absence. *See* TEX. GOV'T CODE § 658.005I.

If TISD schools are not in session, then employees should listen to the weather broadcast of the U.S. Weather Service or a Texarkana weather station. If the weather service issues an "extreme travel advisory" for the Texarkana area and employees cannot reach work due to poor road conditions, they will be expected to use leave time for the time they are out unless other arrangements are made with the employee's supervisor. The Chief Justice may excuse the time that an employee is out under these conditions upon presentation of sufficient documentation of the conditions prompting the absence. *See id.* However, employees are expected to report to work as soon as the travel advisory is canceled.

Only the Chief Justice is authorized to close the Court for all or part of the day. Employees are instructed to verify when the office will be open and to report to work promptly.

Employees should not submit leave forms and need not request emergency leave for absences due to official closings (inclement weather, fire, flood, toxic fumes, etc.). *See* TEX. GOV'T CODE § 661.902(c). If an employee cannot confirm an office closing and reports to work and remains on duty, the employee may be granted compensatory leave to use at a later date, at his or her supervisor's discretion.

5. Absences from Work

Court employees must give reasonable advance notice to their supervisor of any request to take compensatory time off from work. The supervisor must act on the request, to permit or refuse compensatory time off, prior to the period of requested time off from work. Reasonable advance notice is notice given at least one day prior to the compensatory time off period, unless exceptional circumstances occur.

Leave approval is not automatic. While every attempt is made to accommodate an employee's timely request, supervisors have the authority and responsibility to use their discretion to ensure that adequate staff remains on duty to perform the Court's work.

When an employee is unable to report for work and prior approval for the absence has not been obtained, the employee is to, at the earliest practicable time, notify (or have someone else notify) his or her supervisor that the employee is unable to report for duty.

Absenteeism or tardiness is excessive when an employee is unable to adequately perform his or her job or when the normal work activities of the Court or a section of the Court are disrupted because of the excessive and/or unscheduled absences or tardiness of the employee. Absenteeism or tardiness may be grounds for disciplinary action, up to and including termination.

6. Leave Increments

Leave will be charged in fifteen-minute increments. Absences of less than fifteen minutes will be made up by mutual agreement between an employee and his or her supervisor.

7. Annual Vacation Leave

Vacation leave is accumulated monthly at a rate set by the Legislature. The Legislature also sets the maximum number of hours of vacation leave that may be carried from the end of one fiscal year (August 31) to the beginning of the next (September 1). The current schedule is as follows:

Schedule of Vacation Leave Accruals for Full Time Employees			
Length of Service	Hours Accrued per Month	Days Accrued per Year	Allowable Carryover (Hours)
Less than 2 years	8	12.0	180
At least 2 but less than 5 years	9	13.5	244
At least 5 but less than 10 years	10	15.0	268
At least 10 but less than 15 years	11	16.5	292
At least 15 but less than 20 years	13	19.5	340
At least 20 but less than 25 years	15	22.5	388
At least 25 but less than 30 years	17	25.5	436
At least 30 but less than 35 years	19	28.5	484
At least 35 years or more	21	31.5	532

See TEX. GOV'T CODE §§ 661.152.

Employees accrue vacation leave from their first day of employment. However, vacation with pay may not be taken until the employee has been continuously employed with the State for six months. *Id.* If an employee takes a full calendar month of leave without pay, that month is not counted toward:

1. continuous state service for purposes related to vacation leave or merit raises;
2. total state service credit for purposes of leave accrual; or
3. total state service for purposes of longevity pay.

Employees will normally be permitted to take vacation leave when they request it, provided that it does not disrupt Court activities. Vacation leave requests should be submitted to an employee's supervisor and approved in advance of the date the leave is scheduled to begin

At the end of the fiscal year, all hours of unused accumulated vacation leave over an employee's maximum allowable carryover (based on longevity) will be credited to the employee's sick leave balance as of the first day of the next fiscal year. An employee who retires is entitled to service credit in the Employees Retirement System for the employee's vacation leave that has accumulated and is unused on the last day of employment pursuant to the rules of the Employees Retirement System of Texas (ERS).

8. Sick Leave Pool

The Court hereby establishes (and ratifies and adopts the same to be administered under these terms) a sick leave pool under which Court employees may voluntarily transfer sick leave

earned by the employee to a sick leave pool for use by other qualifying employees. The Clerk of Court shall administer the pool and shall be referred to herein as the Administrator.

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of an employee or an employee's immediate family member that requires the services of a health care provider for a prolonged period of time and that forces the employee to exhaust all paid leave earned¹ by that employee. (*See* 43 TEX. ADMIN. CODE § 4.51.)

Contributions: Any current employee may contribute one or more days of that employee's accrued sick leave, and the Administrator shall credit the time contributed to the SL Pool. Any retiring employee may designate the number of hours of accrued sick leave to be used for his/her retirement credit and the number of hours to be contributed to the sick leave pool.

Withdrawals: A current Court employee may be approved to use pool hours under this policy if that employee has exhausted his/her sick leave because of (1) catastrophic illness or injury or (2) previous donation of time to the pool. The Administrator shall have the authority and discretion to determine if an applying employee (1) has established a pattern of repeatedly and electively using his/her SL for personal convenience rather than true sickness and (2) therefore has a balance of less than 20 days' accumulated sick leave, vacation leave, and comp time, in which case the Administrator shall require the applying employee, in any period of time away from work due to sickness, medical condition, or injury, to: (A) first use the SL, vacation time, and comp time they have accumulated, and (B) incur unpaid time off that the days used in (A) and (B) totals 20 days, before qualifying for payment of sick leave from the SL Pool. Employees determined by the Administrator, in his or her discretion, to have not established such a pattern (i.e., of repeatedly and electively using their SL for personal convenience rather than for true sickness) will not incur any such sanction. The employee who wishes to use SL Pool sick leave shall apply to the Administrator for permission to withdraw time from the pool and also supply to the Administrator a written statement from a "licensed practitioner" who is treating the employee, or is treating the employee's family member, as appropriate, sufficient to enable the Administrator to determine the employee's eligibility for withdrawal from the pool. To the extent the Administrator concludes that the employee is eligible to withdraw from the SL Pool, the Administrator shall approve the transfer, shall credit the withdrawn time to the employee, and shall so notify the employee. No withdrawals shall be approved except for catastrophic illness/injury to the employee or the qualifying member of the employee's immediate family, and none shall be approved in excess of the lesser of one-third of the total time in the pool at that time or 90 days. Once a withdrawal has been approved and credited, it may be used as the employee's own sick leave, except that such employee's decedent's estate cannot use any time so transferred/credited from the SL Pool.

9. Sick Leave for Employees (*See* Subchapter G. §§ 661.201–.207.)

a. Normal Sick Leave. To be eligible to take accumulated sick leave without a deduction in salary during a continuous period of more than three working days, an employee absent due to sickness, injury, or pregnancy and confinement shall send, as soon as practicable, to the Chief Justice or his/her designee a doctor's certificate showing the cause or nature of the condition, or

¹This Court interprets "all paid leave earned" to include normal sick leave and normal vacation leave, but to exclude any sick leave pool hours and exceptional sick leave, which are not "earned" by the employee.

another written statement of the facts concerning the condition that is acceptable to the Chief Justice. No doctor's certificate or other written statement is required for shorter periods, unless the Chief Justice decides otherwise in a particular case and so notifies the employee in question. (see § 661.202(g))

b. Exceptions to Normal Sick Leave. If an employee is using sick leave, an exception (extension) to the amount of sick leave may be granted by decision of the Chief Justice if all the following conditions are met: (1) the Administrator of the Sick Leave Pool determines that the employee has not established a pattern of repeatedly and electively using his/her Sick Leave for personal convenience rather than true sickness, (2) the Chief Justice, based on an added, specific written statement from a treating "licensed practitioner" that the employee needs up to five additional days off of work from the court due to the qualifying illness or injury, determines that the employee needs such an extension of sick leave beyond his/her normal sick leave and his/her transferred sick leave from the Sick Leave Pool. This policy shall be maintained in written form, made available to all Court employees, and provided to the State Auditor on request. A statement of each such exception and the reasons for each shall be attached to this Court's duplicate payroll voucher for the payroll period affected by the authorized exceptions. (*See* § 661.202, esp. (i), (j).)

10. Emergency Leave

a. Death in the Immediate Family

The Court allows up to three (3) days' emergency leave, with pay and without deductions, for a death in the employee's immediate family, as defined by § 661.902(a). (*See* § 661.902(a).)

b. Other Emergency Leave

Emergency leave without pay, for a reason other than death in the family, may be granted by the Chief Justice of this Court, if the employee requests such other emergency leave, the Chief Justice, in his or her discretion, determines that the employee has shown good cause for taking such other emergency leave, and it appears to the Chief Justice, in his or her discretion, that the employee being granted the other emergency leave intends to return to the employee's position with the Court on expiration of the period of emergency leave. This provision does not apply to require an employee application for such leave when the Court is closed due to weather conditions or in observance of a holiday. (*See* § 661.902(b),(c).)

11. Emergency Volunteer Leave

"Emergency medical services volunteers" and "volunteer firefighters" are entitled to paid leave to attend training for these roles conducted by state agencies or institution of higher education, not to exceed 5 days per fiscal year. Since the Court may pay them while they are responding to emergency fire or medical situations, it is the Court's policy to pay such active emergency time, so long as the Chief Justice determines that the Court can do so consistent with its fiscal situation and obligations known at the time. (*See* § 661.905.)

12. Leave of Absence

It is the policy of the Court to grant employees in good standing a leave of absence of not to exceed twelve months, only if and to the extent that the Chief Justice determines that its doing so in each particular case would not seriously compromise the Court's ability to perform its roles on a timely basis. It would be required, in any event, that the employee first consume all paid leave entitlements, except that sick leave is to be used only if the leave is eligible for sick leave. (*See* § 661.909.)

13. Outstanding-Performance Administrative Leave

In addition to employee leave authorized elsewhere, the Chief Justice may grant administrative leave without a deduction in salary to an employee as a reward for outstanding performance. Supervisors who wish to recommend an employee for an administrative leave award should ensure that the employee's performance is appropriately documented by a current performance evaluation that specifies the outstanding accomplishments or results achieved by the employee. *See* TEX. GOV'T CODE § 661.911. The total amount of administrative leave granted to an employee may not exceed 32 hours during any fiscal year. *Id.*

14. Specific Donation of Sick Leave

State employees may voluntarily transfer any amount of their accrued sick leave to another state employee within the Court. TEX. GOV'T CODE § 661.207. To be eligible to receive such a transfer, the receiving employee must have exhausted all of his or her available sick leave, including any time the receiving employee is eligible to withdraw from the sick leave pool. *Id.*

An employee may not provide or receive remuneration or a gift in exchange for donated sick leave. *Id.* An employee who receives donated sick leave must use that sick leave in the same manner as accrued sick leave. *Id.* The recipient employee will not receive credit in ERS for any donated sick leave that is unused on the last day of the recipient employee's employment. *Id.*

Possible Tax Implications - Sick leave donations will be considered a taxable event to the donor unless the situation qualifies as a medical emergency according to IRS guidelines. IRS guidelines state, "a medical emergency is one that requires an employee's prolonged absence from work, resulting in a substantial loss of income because the employee has exhausted all of his otherwise available paid leave." Donations not qualified as medical emergencies will be treated as wages for employment tax purposes. Such wages will be considered a lump-sum payment and subject to 25% income tax, Medicare, and applicable social security withholdings. Employees making a donation are encouraged to consult a tax advisor.

15. Family and Medical Leave

This policy incorporates the major provisions of the FMLA.

a. Eligibility

Employees with at least 12 months of full-time employment and who have provided at least 1,250 hours of service during the 12 months preceding the beginning of the leave period described in this section are eligible to take up to 12 weeks of leave per year for the following reasons:

1. the birth of a child or the placement for adoption or foster care of a child;
2. the serious health condition of a spouse, child, or parent (such health condition must meet the conditions of a “serious health condition” under the FMLA, *see* 29 U.S.C. § 2611(11)); or
3. an employee’s own serious health condition.

TEX. GOV’T CODE § 661.912; 29 U.S.C. § 2612.

These provisions apply equally to male and female employees. The employee must first use all available paid vacation and sick leave while taking leave under this section unless:

1. the employee is receiving temporary disability or workers’ compensation benefits. TEX. GOV’T CODE § 661.912. Or,
2. the employee is having or adopting a child. TEX. GOV’T CODE § 661.9125.
 - (a) If the employee is taking leave under this section because she is giving birth to a child, she is entitled to 40 days of paid leave before she is required to use her available paid vacation and sick leave.
 - (b) If the employee is taking leave under this section for the birth of a child by the employee’s spouse, the birth of a child by a gestational surrogate, or the adoption of a child, the employee is entitled to 20 days of paid leave before the employee is required to use his or her available paid vacation and sick leave.

b. Certification and Notice

Employees must provide certification explaining the serious health condition on which the leave request is based. The certification should detail the date on which the condition began; the probable duration of the condition; appropriate medical facts regarding the condition; if appropriate, a statement that the employee is needed to care for a spouse, parent, or child; or a statement that the employee’s own health condition makes it impossible for him or her to work. *See* 29 U.S.C. § 2613.

The Court may require a second medical opinion, at the Court’s expense, before granting leave. To the extent reasonably possible, an employee must give 30 days’ advanced written notice to his or her supervisor and the Court Clerk of the need for leave. *Id.*

c. Communications During Family or Medical Leave

Employees on FMLA leave must report periodically during the leave period on their status and intention to return to work. This communication will be made to the employee’s supervisor and to the Court Clerk.

d. Married Employees

If an employee is married to another employee of the Court, the two employees are limited to a combined total of 12 weeks of leave for the birth or adoption of a child or for the care of a sick parent or child. *See* 29 U.S.C. § 2612.

e. Certification for Return to Work

Employees returning from medical leave caused by their own illness may be required to obtain written medical certification from their health care provider that they are able to resume work. This certification should be given to the Court Clerk and the employee's supervisor on or before the first working day of the employee's return. *See* 29 U.S.C. § 2614.

f. Parental Leave

Employees with fewer than 12 months of state service or less than 1,250 hours in the 12 months immediately preceding the start of leave set out in this section are entitled to take a parental leave of absence, not to exceed 12 weeks per year for the following reasons:

- a. the birth of a child; or
- b. the adoption by or foster care placement with the employee of a child younger than three years of age.

TEX. GOV'T CODE § 661.913.

These provisions apply equally to male and female employees.

The employee must first use all available paid vacation and sick leave while taking leave under this section, and the remainder of the leave is unpaid. *Id.* The leave period begins with the date of the birth, or the first day the adoptive or foster child is formally placed in the home. *Id.* An employee anticipating using parental leave should notify his or her supervisor and the Court Clerk at the earliest possible opportunity in order to allow ample time to plan for covering the employee's duties for the duration of the absence.

Parental leave under this section is only available for employees who are not eligible for FMLA leave.

16. Foster Parent Leave

An employee who is a foster parent to a child under the conservatorship of the Department of Family and Protective Services is entitled to leave without a deduction in salary for the purpose of attending meetings held by the DFPS regarding the child under the foster care of the employee, or to attend an admission, review, and dismissal meeting held by a school district regarding the child. TEX. GOV'T CODE § 661.906.

17. Leave to Vote

An employee will be allowed sufficient time off, without a deduction in salary or accrued leave, to vote in each national, state, or local election. *See* TEX. GOV'T CODE § 661.914. Prior scheduling with the employee's supervisor is required. One hour is generally the maximum time allowed.

18. Leave for Jury or Witness Duty

An employee is entitled to serve on a jury without a deduction in salary, including a deduction for any fee or compensation the employee receives for the jury service. *See* TEX. GOV'T CODE § 659.005. Additionally, an employee will not be required to take vacation or other paid leave time to serve on a jury.

An employee who appears as a witness in an official capacity in a judicial proceeding or legislative hearing will not be required to take vacation or other paid leave time, whether or not the appearance is pursuant to a subpoena. *See id.* An employee who appears as a witness in a non-official capacity may be required to use vacation or other paid leave time if the appearance is not pursuant to a subpoena. An employee who appears as a witness in a non-official capacity, and whose appearance is pursuant to a subpoena, will not be required to take vacation or other paid leave time and will not otherwise be penalized. TEX. LABOR CODE § 52.051. The employee will be required to provide the Court Clerk with a copy of the subpoena.

19. Military Leave

a. Regular Military Leave

An employee who is a member of the state or federal armed forces or authorized urban search and rescue team is entitled to a paid leave of absence on days on which the person is engaged in authorized training or duty ordered or authorized by the proper authority. *See* TEX. GOV'T CODE § 437.202. This paid leave is authorized for no more than fifteen (15) days in a fiscal year. *Id.* The 15 days need not be taken consecutively.

b. Military Leave During a National Emergency

An employee who is called to state active duty as a member of the Texas military forces by the governor or other appropriate authority because of an emergency is entitled to paid emergency leave without losing regular military or annual leave. *See* TEX. GOV'T CODE §§ 437.254, 661.903. An employee called to active duty during a national emergency by a reserve branch of the United States Armed Forces is entitled to an unpaid leave of absence. *See* TEX. GOV'T CODE § 661.904. An employee on unpaid leave will continue to accrue vacation leave, sick leave, and state service credit for purposes of longevity pay as provided by State law. *Id.* The employee will be credited with his or her vacation and sick leave balances upon his or her return to state employment. *Id.* An employee called to federal active duty in a declared emergency is limited to no more than 22 work

days without the loss of military or annual leave. *See* TEX. GOV'T CODE § 437.254.

NOTE: The Court Clerk must be consulted during any situation regarding military leave. Further, the employee must provide a written request for the military leave and a copy of the military orders requiring time away from work.

20. Medical and Mental Health Care Leave for Veterans

A veteran who is eligible for health benefits 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 other accrued time, to obtain medical care (including physical rehabilitation) or mental health care pursuant to that program. TEX. GOV'T CODE § 661.924. This leave may not exceed 15 days each fiscal year. However, the Chief Justice may grant additional days as he or she deems appropriate for the employee. *Id.*

Before such leave is granted, the employee must provide to the Court Clerk appropriate documentation signed by his or her doctor or health care professional.

21. Leave for Assistance Dog Training for Disabled Employees

An employee who is a “person with a disability,” as defined by Section 121.002(4) of the Human Resources Code, is entitled to leave without a deduction in salary not to exceed 10 working days in a fiscal year for the purpose of attending a training program to acquaint the employee with an assistance dog to be used by the employee. *See* TEX. GOV'T CODE § 661.910. Before an employee may use this leave, the employee must make a request to his or her supervisor in writing and with adequate documentation of the proposed training.

22. Leave for Training for Volunteer Firefighters, EMS Volunteers, and Search and Rescue Volunteers

An employee who is a volunteer firefighter, an emergency medical services volunteer, or a search and rescue volunteer is entitled to a leave of absence without a deduction in salary to attend fire service, emergency medical services, or search and rescue training conducted by a state agency or an institution of higher education. TEX. GOV'T CODE § 661.905. This leave without a deduction in salary may not exceed five working days in a fiscal year. *Id.* Before an employee may use this leave, the employee must make a request to his or her supervisor in writing and with adequate documentation of the proposed training.

23. American Red Cross Disaster Service Volunteer Leave

An employee who is a certified disaster service volunteer of the American Red Cross, or who is training to become such a volunteer, may be granted leave not to exceed ten (10) days each fiscal year to participate in specialized disaster relief services for the American Red Cross. TEX. GOV'T CODE § 661.907. Prior to taking this time, the employee must provide to the Court Clerk a request for the service from the American Red Cross, proof that he or she is one of the State

employees eligible to take this time, authorization from the employee's supervisor, and the approval of the governor. *Id.* If the employee meets the above requirements, the leave will be given without a deduction in salary or a loss of accrued time.

24. Leave for Blood Donation

An employee may request from his or her supervisor sufficient time off, without a deduction in salary or accrued leave, to donate blood. *See* TEX. GOV'T CODE § 661.917. An employee must present sufficient documentation to his or her supervisor upon return to justify the granting of the time. *Id.* An employee may receive time off to donate blood no more than four times in a fiscal year. *Id.*

25. Leave for Organ or Bone Marrow Donation

An employee is entitled to a leave of absence without a deduction in salary for the time necessary to serve as a bone marrow or organ donor. TEX. GOV'T CODE § 661.916. The leave for a bone marrow donor may not exceed five working days in a fiscal year. *Id.* The leave for an organ donor may not exceed 30 working days in a fiscal year. *Id.* The employee must present sufficient documentation to his or her supervisor upon return to work.

26. Court Appointed Special Advocate (CASA) Volunteer

A state employee may be granted leave not to exceed five hours each month to participate in mandatory training or to perform volunteer services for Court Appointed Special Advocates. *See* TEX. GOV'T CODE § 661.921. This leave is provided to an employee without a deduction in salary or loss of vacation, sick, or other accrued leave. *Id.*

27. Amateur Radio Operators' Leave

An employee who holds an amateur radio station license issued by the Federal Communications Commission may be granted leave, without a deduction in salary or accrued leave, to participate in specialized disaster relief services. *See* TEX. GOV'T CODE § 661.919. The leave may not exceed ten days each fiscal year, and it must be taken with the authorization of the employee's supervisor and the approval of the governor. *Id.* The employee must also be able to document that he or she is one of the operators eligible for leave under this section. *Id.*

28. Reserve Law Enforcement Officer Leave

A state employee who is a reserve law enforcement officer as defined by Texas Occupations Code § 1701.001 may be granted leave without a deduction in salary to attend training required by Texas Occupations Code § 1701.351. *See* TEX. GOV'T CODE § 661.922.

Leave without a deduction in salary under this section may not exceed five working days every fiscal biennium. *Id.* Before an employee may use this leave, the employee must make a request to his or her supervisor in writing and with adequate documentation of the proposed

training.

29. Leave During Court Investigation

The Chief Justice may grant leave without a deduction in salary to an employee who is:

- a. the subject of an investigation being conducted by the Court; or
- b. a victim of, or witness to, an act or event that is the subject of an investigation being conducted by the Court.

TEX. GOV'T CODE § 661.923.

30. Leave Without Pay

An employee may be allowed to go on leave without pay or take a leave of absence without pay under limited circumstances approved by the Chief Justice and the employee's supervisor. *See* TEX. GOV'T CODE § 661.909. The leave may not exceed 12 months, and all applicable accrued paid leave entitlements must be used before going on leave without pay status. *Id.* Subject to fiscal constraints, the approval of the leave constitutes a guarantee of employment at the conclusion of the specified period. *Id.*

31. Return to Work Policy and Procedures

It is the policy of the Court to provide a "return to work" program as the means to return employees to meaningful, productive employment following injury or illness. In order to provide the highest level of quality service to the citizens of Texas, it is necessary for every employee of the Court to be available for work, ready, and capable of performing the duties and responsibilities for which the employee was hired.

The "return to work" program provides opportunities for any employee of this Court who sustains a compensable injury during the course and scope of employment, a disability as defined by the ADA, and/or a serious health condition as defined by the FMLA to return to work at full duty. If the employee is not physically capable of returning to full duty, the "return to work" program provides opportunities when available for the employee to perform a temporary assignment in which the employee's regular position is modified to accommodate the employee's physical capacities, or to perform an alternate duty position.

This "return to work" program shall not be construed as recognition by this Court, its management, or its employees that any employee who participates in the program has a disability as defined by the ADA. If an employee sustains an injury or illness that results in a disability under the ADA, it is the employee's responsibility to inform his or her supervisor and the Court Clerk when a disability under the ADA exists and that a reasonable accommodation is necessary to perform the essential functions of his or her job.

Specific procedures shall be provided to guide all employees regarding the “return to work” program. All employees, divisions, and facilities of the Court are expected to support and fully comply with this policy and the procedures provided to implement this policy.

Adopted: August 7, 2025