



September 8, 2015

SUBJECT: Sick Leave Donation

Effective September 1, 2015, House Bill 1771 allows an employee to voluntarily donate sick leave hours to another employee in the same agency under certain circumstances. The System Regulation is currently being developed but we wanted to make you aware of this new legislation. We will provide you with a link to the System Regulation and additional information as soon as it is available.

Text of HB 1771

AN ACT relating to the donation of sick leave by state employees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 661, Government Code, is amended by adding Section 661.207 to read as follows:

Sec. 661.207. DONATION OF SICK LEAVE.

(a) An employee may donate any amount of the employee's accrued sick leave to another employee who:

- (1) is employed in the same state agency as the donor employee; and
- (2) has exhausted the employee's sick leave, including any time the individual may be eligible to withdraw from a sick leave pool.

(b) An employee may not provide or receive remuneration or a gift in exchange for a sick leave donation under this section.

(c) An employee who receives donated sick leave under this section may not:

- (1) use sick leave donated to the employee under this section except as provided by Sections 661.202(d) and (e); or
- (2) notwithstanding any other law, receive service credit in the Employees Retirement System of Texas for any sick leave donated to the employee under this section that is unused on the last day of that employee's employment.

(d) In this section, "employee" and "state agency" have the meanings assigned by Section 661.001.

SECTION 2. This Act takes effect September 1, 2015.

**Texas A&M AgriLife /TAMUS Rules:**

- Donors will complete the attached form
- Donated sick leave hours must be tracked separately from earned sick leave & sick leave pool hours
- Employees may receive hours if they:
  - are in the same agency as the donor
  - have a zero sick leave hours balance
  - have exhausted any previously donated hours they received; and
  - have exhausted any sick leave pool hours they are eligible for (if the employee has been out for 160 hours, they *must apply* for sick leave pool before receiving any donated hours)
- Employees may use donated hours as follows:
  - during the 160-hour waiting period for sick leave pool purposes
  - after the employee has exhausted his/her sick leave pool benefit, and
  - for less catastrophic conditions which do not rise to the level of the need for sick leave pool hours
- Sick Leave Donation vs Sick Leave Pool:



Eligible to Receive	Can you have an Annual Leave Balance?	Can you have a Sick Leave Balance?	Can you have Sick Leave Pool Balance?	Can you have a Donated Sick Leave Balance?	Do you need to be out more than 160 hours?
Sick Leave Donation	Yes	No	No	No	No
Sick Leave Pool	No	No	No	No	Yes

- Donated sick leave will follow the same use rules as regular sick leave EXCEPT that it cannot be used for retirement credit.
- Employees may have a balance in annual leave and still be eligible to receive donated sick leave hours.
- Employee will remain in a paid leave status funded by the employee's regular/current funding sources. (i.e. the department of the employee donating leave incurs no accrued liability).

**For questions, please contact:** Doris Tykal, HR/Payroll Specialist at 979-845-2361 or [dmtikal@ag.tamu.edu](mailto:dmtikal@ag.tamu.edu)