ADOPTION OF
CHAPTER 208 EMPLOYMENT PRACTICES
SUBCHAPTER C. FAMILY LEAVE POOL
43 TAC §208.13
INTRODUCTION. The Texas Department of Motor Vehicles (department) adopts new section 43 TAC
§208.13, concerning a family leave pool. The new section is necessary to implement House Bill 2063, 87th
Legislature, Regular Session (2021), which amended Government Code Chapter 661 by adding new
Subchapter A-1, requiring all state agencies to create and administer an employee family leave pool.
Under House Bill 2063, all state agencies must adopt rules and prescribe procedures relating to the
operation of the agency family leave pool.
The department adopts new §208.13 without changes to the proposed text as published in the
December 17, 2021, issue of the <i>Texas Register</i> (46 <i>TexReg</i> 8585). The rule will not be republished.
REASONED JUSTIFICATION. New §208.13 is added to implement House Bill 2063. The new section will
provide eligible department employees more flexibility in bonding with and caring for their children during
a child's first year following birth, adoption, or foster placement, and for caring for a seriously ill family
member of the employee. The pool will allow employees to voluntarily transfer sick or vacation leave
earned while also allowing employees to apply for leave time from the pool.
New §208.13 describes the purpose of the family leave pool.
New §208.13(1) designates the human resources director as the department administrator of the
family leave pool.
New §208.13(2) states that the pool administrator, with the advice and consent of the executive
director, will establish operating procedures for the family leave pool which are consistent with
Government Code, Chapter 661, Subchapter A-1 (relating to State Employee Family Leave Pool).

1	New §208.13(3) states that the adopted procedures related to the operation of the family leave
2	pool will be published in the department's Human Resources Manual.
3	New §208.13(4) requires all donations to the family leave pool be voluntary.
4	SUMMARY OF COMMENTS.
5	No comments on the proposed new §208.13 were received.
6	STATUTORY AUTHORITY. The department adopts new §208.13 under Transportation §1002.001 and
7	Government Code §661.022(c).
8	Transportation Code §1002.001 authorizes the board to adopt rules that are necessary and
9	appropriate to implement the powers and the duties of the department.
10	Government Code §661.022(c) requires the board to adopt rules related to the operation of the
11	department's family leave pool.
12	CROSS REFERENCE TO STATUTE. Government Code §661.021-661.028.
13	TEXT.
14	Subchapter C. FAMILY LEAVE POOL
15	43 TAC §208.13
16	§208.13. Family Leave Pool. A family leave pool is established to provide eligible employees more
17	flexibility in bonding and caring for children during a child's first year following birth, adoption, or foster
18	placement, or caring for a seriously ill family member or the employee, including pandemic-related
19	illnesses or complications caused by a pandemic.
20	(1) The director of human resources is designated as the pool administrator.
21	(2) The pool administrator, with the advice and consent of the executive director, will
22	establish operating procedures consistent with the Government Code, Chapter 661, Subchapter A-1
23	(relating to State Employee Family Leave Pool).

1 (3) The prescribed procedures relating to the operation of the family leave pool will be 2 published in the agency's Human Resources Manual. 3 (4) Donations to the pool are strictly voluntary. 4 CERTIFICATION. The agency certifies that legal counsel has reviewed the adoption and found it to be a 5 valid exercise of the state agency's legal authority. 6 Issued at Austin, Texas, on April 18, 2022. 7 /s/ Aline Aucoin 8 Aline Aucoin, Acting General Counsel