

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** February 3, 2023

Thru: Laurie Gharis, Chief Clerk
Erin Chancellor, Interim Executive Director

From: Kelly Keel, Director *KK 12/27/22*
Office of Administrative Services

Docket No.: 2022-1697-MIS

Subject: Commission Approval for Proposed Rulemaking
Chapter 9, Training
Employee Leave Pool Programs
Rule Project No. 2023-112-09-AS

Background and reason(s) for the rulemaking:

The following statutes require all state agencies to adopt rules relating to the operation of two employee leave pool programs: Texas Government Code, Subchapter A, State Employee Sick Leave Pool, §§661.001, et seq., and Texas Government Code, Subchapter A-1, State Employee Family Leave Pool, §§661.021, et seq.

Scope of the rulemaking:

The Texas Commission on Environmental Quality's (TCEQ or agency) established sick leave pool policy is in Operating Policy and Procedure (OPP) 9.06, Sick Leave Pool, and administered in accordance with the statute by the Human Resources and Staff Services Division.

The 87th Legislature, 2021, passed House Bill (HB) 2063 that requires TCEQ to establish a new family sick leave pool program. TCEQ would incorporate this new family leave pool program into OPP 9.06 and follow similar administrative procedures. The proposed rule confirms the establishment of the agency's programs for the sick leave and family leave pools and incorporates by reference the agency's policy and procedure.

A.) Summary of what the rulemaking would do:

The rulemaking would retitle Chapter 9 to Training and Employee Programs, and add a new Subchapter C: Employee Leave Pool Programs. New rule §9.20 establishes TCEQ's sick leave pool and family leave pool programs and incorporates by reference the agency's policy and procedures.

B.) Scope required by federal regulations or state statutes:

Establish by rule the agency's sick leave pool and family leave pool programs and incorporate by reference the agency's policy and procedure.

C.) Additional staff recommendations that are not required by federal rule or state statute:

No additional recommendations.

Statutory authority:

Texas Government Code, Subchapter A, State Employee Sick Leave Pool, §§661.001, et seq.
HB 2063, creating Texas Government Code, Subchapter A-1, State Employee Family Leave Pool, §§661.021, et seq.

Effect on the:

A.) Regulated community:

None.

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B.) Public:

None.

C.) Agency programs:

The Human Resources and Staff Services Division in the Office of Administrative Services would administer the family leave pool consistent with the policy and procedures of the established sick leave pool. This policy applies only to TCEQ employees.

Stakeholder meetings:

There are no planned stakeholder meetings prior to proposal of the rule as the statutory leave pool programs are available only to TCEQ employees.

Public Involvement Plan

None.

Alternative Language Requirements

None.

Potential controversial concerns and legislative interest:

None.

Would this rulemaking affect any current policies or require development of new policies?

Rulemaking confirms the agency's established sick leave pool policy and incorporates the new family leave pool created by HB 2063.

What are the consequences if this rulemaking does not go forward? Are there alternatives to rulemaking?

There are no alternatives to rulemaking. State law requires the establishment of a family leave pool and sick leave pool.

Key points in the proposal rulemaking schedule:

Anticipated proposal date: February 22, 2023

Anticipated *Texas Register* publication date: March 10, 2023

Anticipated public hearing date: April 7, 2023

Anticipated public comment period: March 10, 2023 - April 10, 2023

Anticipated adoption date: August 2, 2023

Agency contacts:

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Attachments:

HB 2063

cc: Chief Clerk, 2 copies
Executive Director's Office
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