

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

INTER-OFFICE COMMUNICATIONS

TO	<u>Personnel Policy Manual Holders</u>	DATE	<u>September 1, 2018</u>
FROM	<u>Patty Garcia</u> Director, Human Resources Division	SUBJECT	<u>September 2018</u> Personnel Manual Update

Please update your Personnel Manual as follows effective September 1, 2018.

NUMERICAL INDEX:

Remove the existing Numerical Index dated August 1, 2018.

Insert the revised [Numerical Index](#) dated September 1, 2018.

EXECUTIVE DIRECTIVES:

PD-25, “Reduction-in-Force Procedures” (rev. 7)

- Section IV.B.2.c: “Dual supervision” within the TDCJ no longer exists; therefore, reference to such has been removed from the directive.
- Grammatical and formatting updates were made.

If you have any questions, please contact Amanda Flinn, Manager II, Employment at (936) 437-4060.

Remove the existing PD-25.

Insert the revised [PD-25](#).

PD-46, “Medical and Parental Leave” (rev. 7)

- Added definitions for Licensed Practitioner, Licensed Practitioner’s Statement, and Paid Leave Entitlements; revised the definitions of Consolidated Omnibus Budget Reconciliation Act, Family and Medical Leave, Health Care Provider, Health Care Provider’s Statement, Informal Marriage, Medical Fact, Parent, Parent of a Military Member, Physically Worked, Proof of Event, and Spouse.
- Part A, Section I: Revised to clarify instructions related to eligible employee spouses who are both TDCJ employee; added bonding with a child as a FML qualifying reason.
- Part A, Section I.C: Clarified that bonding with a newborn child who is not affected by a serious health condition does not qualify for intermittent leave or a reduced leave schedule.
- Part A, Section II.A.1-3: Added language that an employee shall provide notice of the employee’s need to take leave and include the nature of the injury or illness; clarified language regarding employee notification of the need for FML, whether foreseeable or not foreseeable.
- Part A, Section II.A.5: Added language to specify the PERS 592 documentation shall be provided within 15 calendar days from the mailing date of the PERS 592.
- Part A, Section II.C.1.b(1): Revised to include that the human resources representative is also responsible for providing *The Genetic Information Nondiscrimination Act of 2008* statement to an employee who is eligible for FML.

- Part A, Section II.C.1.b(2): Added procedure for documenting and tracking the PERS 301 on the FML Letter Tracking History screen in PPS.
- Part B, Section III: Added language to include donated sick leave to be used prior to going on LWOP.
- Part C, Section II.D: Removed language referencing unit pay differential.
- Part E, Donation of Sick Leave Hours: Reorganized entire section regarding the donation of sick leave hours.
 - Section I: Revised to clarify that an employee must be eligible to receive donated sick leave hours. Revised to include that use of donated sick leave will count toward an employee's FML job-protected leave entitlement. Any vacation and sick leave accrued during the employee's leave will not be available until the employee returns to work.
 - Section II: Added employee eligibility criteria to receive donated sick leave consistent with the expanded responsibilities of the receiving employee identified in Section IV.
 - Section III: Expanded donating employee responsibilities to include acknowledgement that donated leave will be deducted from their sick leave balance and will not be available for use; acknowledgement that compensation or a gift has not been received in exchange for donating sick leave; and possible tax implications for donated sick leave.
 - Section IV: Expanded receiving employee responsibilities to include the exhaustion of all paid leave entitlements, including previously approved donated sick leave, and any time the employee may be eligible to withdraw from the Sick Leave Pool. The receiving employee must provide a licensed practitioner's statement containing a description of the catastrophic injury or illness, date of the onset or initial diagnosis, a prognosis for recovery, and anticipated date of return to active employment. The receiving employee may also refuse the donation.
 - Section VI: Added a new section about applying for extended sick leave upon exhaustion of donated sick leave hours.
 - Section VII: Added a new section to include return to work provisions.
- Part H, Section IV.A.1: Added food service managers and laundry managers to accurately reflect release to return to work requirements.
- Attachment A, PERS 301: Replaced Month/Day of Birth with Payee ID Number. Removed the checkbox for "Leave requested is not for an FMLA reason." Added "Donated Sick Leave" to the available leave balances. Added a provision that a human resources representative must be notified if an employee and the employee's spouse are both requesting leave for a reason in which the FML protected leave is required to be shared. Also added that an employee may be required to provide a release at times not described in the PERS 301, if the employee's leave will be on an intermittent or a reduced leave schedule.
- Attachment B, PERS 24: Replaced all references of "Disapproved" with "Denied." Added new categories of administrative leave for Adverse Weather and Veterans Health Administration Leave to include indication that a DM is required for Adverse Weather; and combined the State Firefighting Volunteer Training with the State EMS Volunteer Training category. Revised Section III, Leave Without Pay by including a description of (FML, Sick Leave, Workers' Comp) after LWOP/Medical.
- Attachment C, PERS 592: Replaced Month/Day of Birth with Payee ID Number.
- Attachment I, PERS 487: Form was deleted due to human resources using PPS FMLS screen for documenting leave activity.
- New Attachment I, PERS 594: Replaced Month/Day of Birth with Payee ID Number. Reformatted the "Please be advised" section and added a checkbox indicating the dates for delaying FML, due to failure of following written call-in procedures.
- Attachment J, PERS 604: Deleted pattern of absences that should not support evidence of misuse.

- Attachment K, PERS 499: Replaced SSN with Payee ID Number.
- Attachment L, PERS 637: Reformatted top portion of the sick leave donation form identifying that it must be completed by employee only. Added Payee ID Number and added clarification at the bottom that all accruals must be exhausted and leave must be used for a catastrophic injury or illness, to be eligible to receive donated sick leave.
- Attachment M, PERS 302: Replaced SSN with Payee ID Number and replaced active duty with TDCJ employment; slight revisions made for consistency with the PERS 302 recently published in PD-49, “Leaves Other Than Medical and Parental.”
- Grammatical and formatting updates were made.

If you have any questions, please contact Lisa McGilberry, Manager II, Employee Services at (936) 437-4064.

Remove the existing PD-46.

Insert the revised [PD-46](#).

PD-55, “Human Resources Records and Files” (rev. 7)

- Revised language from “the Employee Relations Department” or “Section” to “Employee Relations” throughout the directive.
- Added definitions for TexFlex and TexasSaver 401(k) and 457 Program; revised definition of Unit or Department Employee File.
- Section II.B.1.b: Revised language to state that a human resources staff member shall refer any questions about files from an active or former TDCJ employee to the appropriate authority.
- Section IV.C: Added records retention instructions for human resources representatives.
- Attachments: Added names of new forms and those already in use; removed references to obsolete forms; noted those documents for which copies may be retained.
- Grammatical and formatting updates were made.

If you have any questions, please contact Lisa McGilberry, Manager II, Employee Services at (936) 437-4064.

Remove the existing PD-55.

Insert the revised [PD-55](#).

If you have any questions regarding this update or need assistance concerning your Personnel Manual, please contact Kristy Jeter at (936) 437-4049 (Email User ID KJE3473).

PG: clh

Attachments