

**SUBCHAPTER K. SICK LEAVE POOL**  
**28 TAC §1.1201**

**1. INTRODUCTION.** The Commissioner of Insurance (Commissioner) adopts new §1.1201, concerning the agency's sick leave pool. Section 1.1201 is adopted without changes to the proposed text published in the August 19, 2011 issue of the *Texas Register* (36 TexReg 5198).

**2. REASONED JUSTIFICATION.** The new section is necessary to address the administration of the agency's sick leave pool. Section 661.002(c) of the Government Code requires a state agency to adopt rules and prescribe procedures relating to the administration of the agency sick leave pool.

**3. HOW THE SECTIONS WILL FUNCTION.** The new section provides for procedures relating to the operation of the agency's sick leave pool. The new section establishes a sick leave pool to be administered by the agency's Director of Human Resources. As sick leave pool administrator, the Director of Human Resources will recommend a policy, operating procedures, and forms for the sick leave pool. The operation of the sick leave pool will be consistent with Chapter 661 of the Government Code.

**4. SUMMARY OF COMMENTS AND AGENCY RESPONSE.** The Department did not receive any comments on the published proposal.

**5. STATUTORY AUTHORITY.** The new section is adopted under the Government Code §661.002(c) and the Insurance Code §36.001. Section 661.002(c) of the Government Code provides that a governing body of a state agency shall adopt rules and prescribe procedures relating to the operation of the agency sick leave pool. Section 36.001 of the Insurance Code provides that the Commissioner of Insurance may adopt any rules necessary and appropriate to implement the powers and duties of the Texas Department of Insurance under the Insurance Code and other laws of this state.

**6. TEXT.**

**§1.1201. Sick Leave Pool.** A sick leave pool is established to alleviate hardship caused to an employee and the employee's immediate family if a catastrophic injury or illness forces the employee to exhaust all eligible leave time earned by that employee and to lose compensation time from the state.

(1) The Texas Department of Insurance's Human Resources Director is designated as the pool administrator.

(2) The pool administrator will recommend a policy, operating procedures, and forms for the administration of this section for approval by the commissioner of insurance or designee.

(3) Operation of the pool shall be consistent with the Government Code, Chapter 661.