

Adopted 1/17/13  
Updated 9/7/18

# **Second Court of Appeals Leave Policy**

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## LEAVE POLICY

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This policy governs leave benefits and reporting requirements for employees of the Second Court of Appeals. The purpose of this policy is to provide clear and objective guidelines to establish the circumstances under which a Court employee may be entitled to or granted each type of leave provided by chapter 661 of the government code. Tex. Gov't Code Ann. §§ 661.001–.924 (West 2012 & Supp. 2017).

### Work Hours<sup>1</sup>

The Court's office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. These are also the regular working hours of a full-time employee, unless an alternate work schedule is approved by the employee's supervisor and the Chief Justice in writing on the Court's Employee Modified Work Schedule form, attached as Exhibit A.

A full-time employee must work a 40-hour work week. An employee must, during normal working hours, conduct Court business only at the Court's offices unless he or she is traveling on Court business approved by his or her supervisor or has received prior written authorization from the Chief Justice to perform work elsewhere. An employee who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) may work from home in accordance with the Court's Work-From-Home Policy and Procedures, attached as Exhibit B.

A full-time employee's schedule includes a one-hour lunch break, unless an alternate work schedule is approved by the employee's supervisor and the Chief Justice in writing on the Court's Employee Modified Work Schedule form. Employees are also allowed two paid work breaks each day of up to 15 minutes each. The Court supports the practice of expressing breast milk and makes reasonable accommodations, including break time and private space, for the needs of employees who express breast milk.<sup>2</sup>

### Excessive Absenteeism or Tardiness

Absenteeism or tardiness is excessive when an employee is unable to perform his or her job adequately, or when the normal day-to-day work activities of the office are disrupted due to excessive and/or unscheduled absences or tardiness by the

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<sup>1</sup> See Tex. Gov't Code Ann. §§ 658.001–.010 (West 2012 & Supp. 2017).

<sup>2</sup> See *id.* §§ 619.001–.006 (West Supp. 2017).

employee. Excessive absenteeism or tardiness may be grounds for disciplinary actions, up to and including termination.

An employee who fails to report to or remain at work, or who fails to return to work upon expiration of approved leave, may be considered to have abandoned his or her position with the Court. Such an employee will be expected to produce a satisfactory explanation for the unauthorized absence. An employee who is absent from work for three or more consecutive business days without contacting his or her supervisor will be deemed to have abandoned his or her job at the close of the third business day. Unauthorized absence(s) may be grounds for disciplinary actions, up to and including termination.

### Overtime<sup>3</sup>

In accordance with state and federal law, Court policy generally prohibits overtime (i.e., more than 40 hours per week) by employees who are not exempt from the overtime provisions of the FLSA: legal assistants, deputy clerks, and custodians. Nonexempt employees seeking to work overtime must obtain the prior written approval of their immediate supervisor and the Chief Justice on the Court's Employee Overtime Form, attached as Exhibit C. Nonexempt employees who work overtime without obtaining prior written approval may face disciplinary action.

Under the FLSA, nonexempt employees who work over 40 hours per week are entitled to compensation for the excess hours by subsequent time off at 1.5 times the hours worked or by pay at 1.5 times salary. The State's policy is to provide compensatory time only, except in exceptional circumstances. Thus, although the Court has and may occasionally allow overtime to be compensated monetarily, its general policy is to provide compensatory time only.

Exempt employees (i.e., Clerk of the Court, accountant, network specialist, and all attorneys) are generally ineligible to earn compensatory time for hours worked over 40 hours per week. The Chief Justice, in his or her discretion, may authorize exceptions to this general policy. Exceptions must be approved in writing by the Chief Justice in advance of the hours worked.

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<sup>3</sup> See *id.* §§ 659.015–.023 (West 2012 & Supp. 2017).

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## VACATION LEAVE

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*See Texas Government Code §§ 661.151–.154.*

Employees are entitled to paid vacation leave each fiscal year. Vacation leave hours are earned in accordance with the employee's cumulative years of State employment. An employee who does not have credit for prior State employment may not take earned vacation leave until he or she has six months of continuous employment with the State, although the employee accrues vacation leave during that period.

### Taking Vacation Leave

Vacation leave should be approved by the employee's supervisor. An employee should complete an Employee Absence Request form, attached as Exhibit D, for vacation leave scheduled and approved in advance. An employee on vacation leave on the first day of the month may not take the vacation leave earned for that month until the employee has returned to work at least one day.

### Carrying Forward Vacation Leave

State employees are entitled to carry over a limited amount of vacation leave from each fiscal year to the next; unused vacation leave exceeding the limit is converted to sick leave. The amount of hours of vacation leave that each employee may carry over is set by statute, depending on the employee's years of State employment. Each employee of the Court is encouraged to limit his or her carry-over hours to no more than 80 hours per fiscal year and to use all accrued vacation leave before his or her last day of employment. If an employee fails to use his or her accrued vacation leave until the last days of employment, the Court will be unable to hire a replacement for that employee until the amount budgeted for that employee's position is no longer being allocated to that employee's paid leave.

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## HOLIDAY COMP LEAVE

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*See Texas Government Code §§ 662.001–.013.*

An employee who is required to work on a national or state holiday (as defined in Gov't Code § 662.003) that does not fall on a Saturday or Sunday (and that the applicable General Appropriations Act does not prohibit the Court from observing) is entitled to a paid day off during the next 12-month period if the employee is employed

on the day before or after the holiday, or both days. Employees will rarely, if ever, be required to work on holidays other than “skeleton crew” days, i.e., those days on which the Court must have at least enough employees present to conduct business as required by statute. An employee may also choose to take paid leave on one of the statutorily defined optional holidays in lieu of one of the skeleton crew days falling within the same fiscal year as the optional holiday. The State Auditor’s Office posts holiday schedules for the next biennium after the close of each legislative session.

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## SICK LEAVE

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*See Texas Government Code § 661.201–.207.*

Full-time employees earn eight hours of sick leave per month, beginning with the first day of State employment. Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee’s performance of duty or when the employee is needed to care for and assist a member of the employee’s immediate family who is sick. An employee out on sick leave on the first day of the month may not take the sick leave earned for that month until the employee has returned to work at least one day.

“Immediate family” means a relative of the employee (by kinship, adoption, or marriage) who resides in the same household; a foster child who resides in the same household; and a minor child of the employee, regardless of whether the child lives in the same household. An employee’s use of sick leave for family members not residing in that employee’s household is strictly limited to the time necessary to provide care and assistance to the spouse, child, or parent of the employee that needs such care and assistance as a direct result of a documented medical condition.

An employee who must be absent from work because of sickness, injury, or pregnancy and confinement must notify his or her supervisor at the earliest possible time. Scheduled sick leave, such as for doctor’s appointments, should be requested in advance, if possible, via the Court’s Employee Absence Request form, to be approved by the employee’s supervisor.

### Return to Duty

An employee absent due to sickness, injury, or pregnancy and confinement for a continuous period of more than three working days must, upon returning to duty, complete “without delay” the Sick Leave Absence Greater Than Three Days form for

the Chief Justice's approval, attached as Exhibit E. The form must attach a doctor's certificate showing the cause or nature of the condition, or another written statement of the facts concerning the condition that is acceptable to the Chief Justice. The Chief Justice may require a doctor's certificate or other written statement of the facts for sick leave taken during a continuous period of three or fewer working days. An employee taking sick leave for a continuous period of more than three working days may be eligible to have the paid leave also classified as FMLA leave.

### Donation of Sick Leave

A Court employee may donate any amount of his or her accrued sick leave balance to another Court employee when that employee or an immediate family member of that employee has a severe illness that exhausts all his or her sick leave, including that available from the sick leave pool. Donation of sick leave is entirely voluntary, and the donor can donate hours in any increment, with no minimum or maximum.

*Eligibility:* To be eligible to receive donated sick leave, the receiving employee must (1) be employed by the same court as the donor employee and (2) have exhausted all sick leave, including any time that he or she may be eligible to withdraw from the sick leave pool.

*Prohibitions:* The receiving employee may not (1) provide or receive remuneration or a gift in exchange for a sick leave donation; (2) use the donated sick leave for any purpose other than allowed by sections 661.202(d) and (e) of the Texas Government Code (i.e., to care for the employee or for members of the employee's immediate family); or (3) receive service credit in ERS for any donated sick leave that remains unused on the last day of that employee's employment.

*Possible Tax Implications:* Sick leave donations are treated as an assignment of income that is taxable to the donor unless the situation qualifies as a "medical emergency" according to IRS guidelines. A "medical emergency" is one that requires an employee's prolonged absence from work, resulting in a substantial loss of income because the employee has exhausted all otherwise available paid leave. Sick leave donations for medical emergencies are includible in the gross income of the recipient as wages and, therefore, are taxable to the recipient when the sick leave is used. Employees making or receiving a sick leave donation are encouraged to consult a tax advisor.

### FMLA Leave<sup>4</sup>

To the extent required by federal law, a State employee who has a total of at least 12 months of State service and who has worked at least 1,250 hours during the 12-month period preceding the beginning of leave is entitled to FMLA leave. The employee must first use all available and applicable vacation and sick leave, except that an employee who is receiving temporary disability benefits or workers' compensation benefits is not required to first use applicable paid vacation or sick leave while receiving those benefits.

### Parental Leave<sup>5</sup>

A state employee who has fewer than 12 months of state employment and who has worked less than 1,250 hours during the 12-month period preceding the beginning of leave is eligible to take a parental leave of absence not to exceed 12 weeks. The employee must first use all available and applicable vacation and sick leave. This type of leave is limited to, and begins on the date of, (1) the birth of a natural child of the employee, (2) the adoption by the employee of a child younger than three, or (3) the date of foster care placement with that employee of a child younger than three.

### Children's Educational Activities

An employee who is a parent of a student attending a grade from prekindergarten through the twelfth grade may take up to eight hours of sick leave each fiscal year to attend educational activities for that employee's children. "Educational activity" means a school-sponsored activity, including a parent-teacher conference, tutoring, a volunteer program, a field trip, a classroom program, a school committee meeting, an academic competition, and an athletic, music, or theater program. The employee must give reasonable advance notice of the employee's request to use sick leave to attend an educational activity via the Court's Employee Absence Request form, to be approved by the employee's supervisor.

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<sup>4</sup> See *id.* § 661.912 (West 2012).

<sup>5</sup> See *id.* § 661.913.

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## SICK LEAVE POOL

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*See Texas Government Code §§ 661.001–.008.*

### Purpose

The Court has established a sick leave pool to provide for the alleviation of the hardship caused to an employee and the employee’s family due to a catastrophic injury or illness.

### Definitions

A “catastrophic injury or illness” is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time, that forces the employee to exhaust all leave time earned by that employee, and that would cause the employee to lose compensation from the State if additional leave were not granted.

“Immediate family,” for purposes of the sick leave pool, are individuals related to the employee by kinship, adoption, or marriage, or foster children who are so certified by the Department of Family and Protective Services, who are living in the same household, or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis.

### Eligibility

All employees of the Court, with the exception of the justices of the Court, are eligible to participate in the sick leave pool. An employee is eligible to use the time contributed to the sick leave pool if, because of a catastrophic injury or illness or because of a previous donation of sick leave time to the pool, the employee has exhausted all paid leave time to which that employee is otherwise entitled, including sick, annual, and compensatory leave.

### Pool Administrator

The Clerk of the Court is appointed by the Court as the Pool Administrator to administer the Court’s sick leave pool.

### Contributions

Contributions to the pool are strictly voluntary on the part of each employee. Employees may contribute time by submitting a Sick Leave Pool Application form, attached as Exhibit F, to the Pool Administrator. On approval by the Pool

Administrator, an employee may transfer to the pool not less than one day or more than three days of that employee's earned sick leave time per fiscal year. The Pool Administrator shall credit the sick leave pool with the amount of time contributed by an employee and shall deduct a corresponding amount of time from the amount of earned sick leave time to which that employee is entitled, the same as if the employee had used the contributed sick leave time for personal sick leave purposes.

Employees who make contributions to the pool may not stipulate or direct who is to receive their contributions. All sick leave time accumulated in the pool may be transferred or allotted only as approved by the Pool Administrator in accordance with the provisions of this policy. Furthermore, an employee who contributes leave to the pool cannot thereafter withdraw such contributed sick leave time from the pool and will lose such contributions, unless the employee is assigned sick leave from the pool under the provisions of this policy. An employee who contributes sick leave time to the pool is not guaranteed that sick leave time will be transferred to them in the event the employee suffers a catastrophic illness or injury. When all of the accrued sick leave pool time has been transferred to an employee or employees, no other sick leave pool time can be transferred from the pool until additional time is contributed to and accrued in the pool.

Employees separating from the Court are encouraged to contribute to the pool at the time of their separation from State employment, with no restriction on the number of hours that the separating employee may contribute.

#### Withdrawals

An employee may not draw time from the sick leave pool in an amount that exceeds the lesser of (a) one-third of the total amount of time in the pool at the time the employee's application to draw time from the pool is approved, or (b) 90 days.

An employee may apply to the Pool Administrator for permission to draw time from the sick leave pool by submitting a Sick Leave Pool Application form, attached as Exhibit F, to the Pool Administrator. If the Pool Administrator determines that the employee is entitled to sick leave time from the pool, the Pool Administrator shall approve the transfer of time from the pool to that employee. Applications to draw time from the sick leave pool that are submitted by the Clerk of the Court shall be approved by the Chief Justice. The Pool Administrator shall credit the time so transferred to the employee, who may use the time in the same manner as sick leave earned by the employee in the course of employment with the Court. Any unused portion of sick leave pool time transferred to an employee will be returned to the pool.

Applications to draw time from the sick leave pool will be considered by the Pool Administrator on a first-come, first-served basis, provided that the transfer of time from the pool to or among employees who have applications for withdrawal pending at the same time shall be made in the discretion of the Pool Administrator. The determination so made by the Pool Administrator, when approved by the Chief Justice, shall be final.

The Pool Administrator will keep records reflecting the amount of sick leave time contributed to the pool by each employee and the total amount of contributed sick leave time accumulated in the pool. When an employee applies to draw time from the pool, the Pool Administrator shall determine the exact amount of time that employee may draw from the pool at that time. An employee filing an application to draw time from the pool will furnish to the Pool Administrator, in support of such application, such records and documentations as the Pool Administrator requires.

#### Equal Treatment

An employee absent from work on assigned sick leave from the pool will be treated for all purposes as if the employee were absent on earned sick leave.

#### No Entitlement to Estate

The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the sick leave pool of the Court.

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## MISCELLANEOUS LEAVE

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#### Emergency Leave<sup>6</sup>

*Bereavement:* An employee is entitled to 3 days' paid leave in the event of the death of a person in the employee's immediate family. An employee's immediate family includes the employee's spouse and the employee's (and employee's spouse's) parents, children, siblings, grandparents, and grandchildren.

*Other Emergency Leave:* The Chief Justice may in his or her discretion grant emergency leave for reasons other than bereavement if the Chief Justice determines that the employee has shown good cause and the Chief Justice believes in good faith that the employee being granted the emergency leave intends to return to work when the emergency leave ends.

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<sup>6</sup> See *id.* § 661.902 (West Supp. 2017).

### Voting<sup>7</sup>

Employees are allowed sufficient time off, without a deduction in salary or accrued leave, to vote in each national, state, or local election. If an employee does not think he or she has sufficient time to vote before or after work hours, the employee should request reasonable time off from his or her supervisor for the specific purpose of voting, and such time shall be identified as such on the employee's time sheet in CAPPS.

### Jury Service<sup>8</sup>

An employee is entitled to serve on a jury without a deduction in salary, including a deduction for any fee or compensation the employee receives for jury service.

### Other Leave

Other types of statutorily permitted leave, including leave without pay, are set forth in chapter 661 of the Texas Government Code.

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<sup>7</sup> *See id.* § 661.914 (West 2012).

<sup>8</sup> *See id.* § 659.005(a).

**EXHIBIT A**  
**Employee Modified Work Schedule Form**



## SECOND COURT OF APPEALS

### EMPLOYEE MODIFIED WORK SCHEDULE\*

Effective \_\_\_\_\_, \_\_\_\_\_  
Date Employee Name

requests to work a modified work schedule from \_\_\_\_\_ AM to \_\_\_\_\_ PM.

\_\_\_\_\_  
Employee's Signature Date

#### SUPERVISOR'S APPROVAL:

\_\_\_\_\_  
Supervisor's Signature Date

#### CHIEF JUSTICE APPROVAL:

\_\_\_\_\_  
Chief Justice Signature Date

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*The office hours are 8–5, Monday through Friday. Tex. Gov't Code § 658.005. Full-time salaried employees must work a 40-hour work week. *Id.* §§ 658.001, .002. In order to have a modified work schedule that is different from 8–5, it must be approved by your supervisor in writing. *Id.* § 658.006. Employees are to conduct their work at the place of employment and not at the employee's personal residence "without prior written authorization from the administrative head of the [court]." *Id.* § 658.010.

**EXHIBIT B**  
**Work-From-Home Policy and Procedures**

**Second Court of Appeals  
Work-From-Home Policy and  
Procedures**

## **WORK-FROM-HOME POLICY AND PROCEDURES**

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### **Policy and Purpose**

The court's policy is to permit eligible court employees the opportunity to work from home in accordance with the following terms when doing so is in the court's best interests, is consistent with the employee's job duties, and will not diminish the employee's productivity.

### **Scope**

This policy applies to court employees in exempt job classifications who have been employed by the court for at least one year or more. This policy does not apply to court employees who work on a temporary or part-time basis or justices.

### **Definitions**

- A. **Regularly assigned location:** Second Court of Appeals, 401 W. Belknap, Suite 9000, Fort Worth, Texas 76196.
- B. **Remote location:** the employee's primary residence in the State of Texas.
- C. **Work-from-home:** a work arrangement authorized in accordance with this policy by which an employee works at a remote location.

### **Employment Relationship**

The ability to work from home is a privilege that the court may in its discretion grant to eligible employees who meet this policy's requirements, subject to the discretionary approval of the justice who supervises the employee. A work-from-home arrangement is voluntary and does not alter an employee's at-will work relationship with the court. An employee participating in a work-from-home arrangement must observe all applicable court rules, policies, and procedures. All existing terms and conditions of employment, including without limitation the

employee's salary, benefits, leave, and job classification, remain the same as if the employee worked only at his or her regularly assigned location. An employee's supervisor may consider the employee's performance while working from home during the employee's annual performance review.

### **Duration**

The ability to work from home is not a right; therefore, the court may at any time terminate any employee's work-from-home privilege or this work-from-home policy, for any reason.

### **Procedure**

A. To obtain general approval to work from home and before beginning work at a remote location, an employee must sign a Work-From-Home Agreement (see attached Exhibit A) and the Office of Court Administration's approved VPN agreement. The employee must verify that the remote location meets the work space requirements set forth in this policy.

B. To obtain approval to work from home on a specific date or at a specific time, an employee must obtain written approval—including by text or email—by his or her supervising justice before beginning work at the remote location. An employee's supervising justice, in his or her discretion, may require an employee to submit a completed Work-From-Home Request Form (Exhibit B) prior to beginning work at a remote location and to articulate the tangible goals the employee expects to achieve while working from home (e.g., complete a staff review of a 65-page opinion, complete a discussion of the second and third issues in an opinion draft, or read and brief relevant cases on a specific legal issue).

C. A supervising justice may also, in his or her discretion, require an employee to submit a completed Work-From-Home Verification Form (Exhibit C) each time the employee returns to the regularly assigned location after working from home.

### **Remote Location Requirements**

A. The employee must maintain a healthy and safe environment in the remote location.

B. The employee must protect and secure all sensitive and confidential court information when working from the remote location, abide by the court's Ethics Standards, Confidentiality Requirements, and Security Policies, and immediately and securely shred any document produced at the remote work location that contains confidential court information and that the employee does not intend to bring to the regularly assigned location on his or her next scheduled nonwork-from-home day.

C. The employee must have a continuous, secure, password-protected internet connection and access at the remote location sufficient to connect with and utilize the court's VPN, subject to the approval of the Office of Court Administration and the court's Network Manager. The employee's internet connection and computer hardware must enable the employee to maintain continuous VPN access during the entire time the employee is scheduled to work from home. The employee may not disclose to any noncourt personnel that the employee has the ability to access the court's network through a VPN connection. The employee must also maintain telephone and email access at all times while working from home. If the employee has technical difficulty maintaining the required internet connection, the employee must immediately contact the court's Network Manager or OCA. If the employee experiences a disruption in internet connectivity for greater than thirty minutes, the employee must either take leave, or immediately report to the regularly assigned location, for the remainder of the day.

D. The employee must maintain continuous VPN access and activity during the employee's approved work-from-home hours. The employee must ensure that non-work related events and activities do not disrupt or interfere with work at the remote location. Work-from-home may not be used as a substitute for child care or any other activity that would prevent the employee from maintaining continuous VPN access and activity. If the employee must stay at home for such a reason, or is so ill that he or she is unable to perform at the same standard as in the regularly assigned location under normal conditions, the employee must take appropriate leave.

E. The employee must ensure that all protective software and firewall technology is installed and used on all equipment at the remote location. The sufficiency of such software and technology on any noncourt computer is subject to the approval of the Office of Court Administration and this court's Network Manager.

## **Work Schedule**

A. An employee may schedule work from home for an entire 8-hour workday or increments of the work day, but to be compensated for the work performed, an employee may only work from home between the hours of 7:00 a.m. and 6:00 p.m. If an employee does not work from home for an entire 8-hour workday, the employee must either work at the regularly assigned location, or take appropriate leave, for the hours not worked from home that day.

B. To be compensated for the work performed, an employee may work from home on no more than 4 regularly scheduled work days per month, only 2 of which may occur on sequential days. An employee must report to the regularly assigned location on all other work days except those scheduled for work-from-home in accordance with the procedure in this policy. An employee may not receive compensation for work from home performed on a Saturday, Sunday, skeleton crew day, or holiday for which the court is closed for business.

C. Only one attorney in each justice's chambers may be scheduled to work from home on the same day, and an attorney in a chambers may not be scheduled to work from home on a day that the other attorney has scheduled leave.

D. The employee must be able to report to the regularly assigned location on a scheduled work-from-home day if requested.

E. An employee scheduled to work from home on a day the court opens late or closes early will be expected to work his or her scheduled work hours minus the hours of delay (e.g., if the court opens at 10:00 a.m. instead of 8:00 a.m., the employee may work from home from 10:00 a.m. to 5:00 p.m., with a regularly-scheduled hour lunch break, and receive credit for an 8-hour work day). If the employee is incapable of working at the remote location due to the cause of the delayed opening, the employee may request appropriate leave from his or her supervising justice.

## **Equipment and Supplies**

A. The court will not reimburse an employee for any costs associated with maintaining the remote location in the required condition or for any materials and supplies the employee uses for court work at the remote location, including without limitation internet connection costs, personal equipment, cellular or land line phone costs, utilities, and office supplies.

B. With advance written approval of the Chief Justice and the Network Manager, an employee's personal computer may be used to connect to the VPN and to perform court work through the VPN at the remote location. Otherwise, an employee shall use the laptop maintained by the court at the regularly assigned location for work at the remote location, subject to all policies and restrictions applicable to state-owned property. The employee may not use, commingle, or allow others to use any court equipment. The employee will be financially responsible for any damage or loss to any court equipment resulting from the employee's negligence, misuse, or abuse. The employee must follow all applicable data retention and backup policies applicable to court equipment and work product.

### **Damage or Loss to Employee or Property**

The court will not be liable for costs, damages, or loss to an employee, or to property at the remote location, associated with this Work-From-Home Policy and Procedures.

### **Modification**

The Chief Justice may, on an ad hoc basis, approve a modification of the procedures or requirements in this policy for an individual employee.

Exhibit A

## Second Court of Appeals Work-From-Home Agreement

I, \_\_\_\_\_ (employee), verify that I have read and understand the Second Court of Appeals Work-From-Home Policy and Procedures. I agree to, and understand that I must, abide by all terms in this policy as a condition of working from home, including without limitation the following:

- I agree to maintain, at my own expense, password-protected internet service and cellular or land line telephone service at my remote location;
- I agree to provide a safe and suitable remote work space with a desk and ergonomic seating.
- I agree to maintain continuous telephone and email access, and VPN access and activity, while working from home.
- I agree to use only my court laptop to conduct all court business unless otherwise approved by the Chief Justice and Network Manager.
- I agree to conduct all court business over the secure VPN connection to the court's servers and to immediately contact the court's Network Manager or OCA if I have technical difficulties maintaining this connection.
- I agree to protect and secure all sensitive and confidential court information when working from my remote location, abide by the court's Ethics Standards, Confidentiality Requirements, and Security Policies, and immediately and securely shred work product that will not be returned to the court on the next business day following a scheduled work-from-home day.
- I agree to utilize all protective software and firewall technology installed on the court laptop or on any approved personal equipment used at the remote location.
- I agree that I will observe my regularly scheduled work hours while working from home.
- I understand that my participation in a work from home arrangement is voluntary and that it is a privilege that the court may revoke at any time for any reason.
- I understand that I may be called in to work at my regularly assigned location on any day that I am scheduled to work from home, and I agree to maintain adequate transportation for that purpose.
- I agree not to use work-from-home as a substitute for appropriate leave.

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Justice

\_\_\_\_\_  
Date

Exhibit B

# Work-From-Home Request Form

Date: \_\_\_\_\_

Employee: \_\_\_\_\_

I request to work from my remote location on the following date(s) and times:

_____	_____ .m. until _____ .m.
(date)	_____ .m. until _____ .m.
_____	_____ .m. until _____ .m.
(date)	_____ .m. until _____ .m.
_____	_____ .m. until _____ .m.
(date)	_____ .m. until _____ .m.
_____	_____ .m. until _____ .m.
(date)	_____ .m. until _____ .m.

I plan to complete the following:

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\_\_\_\_\_  
Employee's Signature

**SUPERVISOR'S APPROVAL:**

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

Exhibit C

## Work-From-Home Verification Form

Date: \_\_\_\_\_

Employee: \_\_\_\_\_

I certify that on I worked from my remote location on the following dates:

\_\_\_\_\_ for a total of \_\_\_\_\_ hours.  
(date)

\_\_\_\_\_ for a total of \_\_\_\_\_ hours.  
(date)

During those hours, I completed the following:

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\_\_\_\_\_  
Employee's Signature

**SUPERVISOR'S APPROVAL:**

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

**EXHIBIT C**  
**Employee Overtime Form**



## SECOND COURT OF APPEALS

### EMPLOYEE OVERTIME FORM<sup>1</sup>

We authorize \_\_\_\_\_ to work  
Employee Name

overtime from \_\_\_\_\_ AM/PM to \_\_\_\_\_ AM/PM  
circle one circle one

on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, to complete the following:  
Month Day Year

\_\_\_\_\_  
\_\_\_\_\_

#### SUPERVISOR APPROVAL:

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Justice's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

<sup>1</sup>The office hours are 8–5, Monday through Friday. Tex. Gov't Code § 658.005. Full-time salaried employees must work a 40-hour work week. *Id.* §§ 658.001, .002. Employees are to conduct their work at the place of employment and not at the employee's personal residence "without prior written authorization from the administrative head of the [court]." *Id.* § 658.010. In accordance with state law and federal law, court policy prohibits overtime (i.e., more than forty hours per week) by deputy clerks and secretaries without prior approval of their immediate supervisor and the Chief Justice. Under the Fair Labor Standards Act (FLSA), nonexempt employees who work over 40 hours per week are entitled to compensation for the excess hours by subsequent time off at 1.5 times the hours worked or by pay at 1.5 times salary. The State of Texas's policy is to provide comp time only, except in exceptional circumstances. Thus, although the court has and may occasionally allow overtime to be compensated monetarily, its general policy is to provide comp time only.

**EXHIBIT D**  
**Employee Absence Request Form**



SECOND COURT OF APPEALS  
EMPLOYEE ABSENCE REQUEST

Date: \_\_\_\_\_

**Employee:** \_\_\_\_\_

Requests to be out of the office from \_\_\_\_\_ AM/PM on \_\_\_\_\_ until  
\_\_\_\_\_ AM/PM on \_\_\_\_\_ for a total of \_\_\_\_\_ hours.

**Reason:** \_\_\_\_\_  
\_\_\_\_\_

Deduct from:

**VACATION:** \_\_\_\_\_ **SICK:** \_\_\_\_\_ **HOLIDAY COMP:** \_\_\_\_\_

\_\_\_\_\_  
Employee's Signature

SUPERVISOR'S APPROVAL:

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

# **EXHIBIT E**

**Sick Leave Absence Greater Than Three Days Form**



## SECOND COURT OF APPEALS

### SICK LEAVE ABSENCE GREATER THAN 3 DAYS

Date: \_\_\_\_\_

Employee: \_\_\_\_\_

To be eligible to take accumulated sick leave without a deduction in salary during a continuous period of more than three (3) working days, an employee absent due to sickness, injury, or pregnancy and confinement shall send to the administration head (chief justice) of the employing agency a doctor's certificate showing the cause or nature of the condition or another written statement of the facts concerning the condition that is acceptable to the chief justice. Texas Gov't Code Ann., §661.202(g).

Dates of illness: \_\_\_\_\_

Please attach documentation to this form and submit to the chief justice.

\_\_\_\_\_  
Chief Justice's Signature

\_\_\_\_\_  
Date

**EXHIBIT F**  
**Sick Leave Pool Application**



**SECOND COURT OF APPEALS**  
**SICK LEAVE POOL APPLICATION**

Employee Name: \_\_\_\_\_

**CONTRIBUTION:** I have verified my sick leave balance and request that \_\_\_\_\_ hours (*specify number of hours to contribute, not less than 8 hours or more than 24 hours*) be deducted from my accrued sick leave and transferred to the Court's sick leave pool.

**WITHDRAWAL FOR CATASTROPHIC ILLNESS OR INJURY:** I have or will have exhausted all my sick leave on \_\_\_\_\_ (*date*) and request permission to draw time from the Court's sick leave pool because of a catastrophic illness or injury. (The amount of time withdrawn cannot exceed one-third of the total amount of time in the pool or 90 days, whichever is less.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**APPROVED:**

\_\_\_\_\_  
Pool Administrator

\_\_\_\_\_  
Date

**NUMBER OF HOURS TO TRANSFER:** \_\_\_\_\_