

STATE AUDITOR'S OFFICE
LEAVE INTERPRETATION 97-04¹

TO: Human Resources Directors

DATE: October 29, 1996

SUBJECT: Whether an employee should be granted sick leave for the time necessary to provide care as the result of a documented medical condition of his/her mother-in-law who does not live with the employee.

Question:

Should an employee be granted sick leave for the time necessary to provide care as the result of a documented medical condition of his/her mother-in-law who does not live with the employee?"

Answer:

The parent-in-law of an employee who does not reside in the same household as the employee is not treated the same as the parent of the employee for purposes of granting sick leave.

According to Texas Government Code, Section 661.202 (d), sick leave with pay may be taken when the employee is needed to care for and assist a member of his or her immediate family who is actually ill. For purposes relating to sick leave, immediate family is defined as those individuals **who reside in the same household as the employee and are related by kinship, adoption, or marriage.** (Emphasis added).

According to Texas Government Code, Section 661.202 (e), an employee's use of sick leave for **family members not residing in the employee's household** is strictly limited to the time necessary to provide care and assistance to a spouse, child, or parent **of the employee** who needs such care and assistance as a direct result of a documented medical condition. (Emphasis added).

Thus, the language in the Texas Government Code allows a state employee to use sick leave to care for his or her parent who does not reside in the employee's household, but it prevents a state employee from using sick leave to care for a parent-in-law who does not reside in the employee's household.

¹This is an updated version of this State Auditor's Office Leave Interpretation. It was updated in 2011 to primarily reflect statutory changes. The previous version can be found at http://www.hr.sao.state.tx.us/Statutes/LI97-04_old.html