

SYSTEM REGULATION

31.03.02 Sick Leave

July 31, 1996

Revised November 4, 1997

Revised January 19, 2000

Revised November 21, 2000

Revised March 9, 2005

Supplements System Policy 31.03

1. ELIGIBILITY

- 1.1 Each regular employee (see System Regulation 31.01.01, section 2.1) is entitled to sick leave with pay.
- 1.2 An eligible employee may be granted up to 12 workweeks of family and medical leave during a fiscal year or up to 12 workweeks of parental leave as described in System Regulation 31.03.05. Any family and medical leave or parental leave runs concurrently with any sick leave used.

2. SICK LEAVE ACCRUAL

- 2.1 A full-time employee earns eight hours of sick leave for each month or fraction of a month of employment. An eligible part-time employee earns sick leave based on the percentage of time worked. Sick leave credit is posted to each employee's leave record on the first day of employment and on the first day of each succeeding month that the employee is actively at work. If an employee is on leave on the first day of the month, the employee will not be able to use the leave accrued for that month until he or she returns to work. Sick leave accrual ends on the last day the employee is actively at work. For more information, refer to section 3.2, Termination of Employment.
- 2.2 A regular employee who is transferred temporarily to wages prior to termination to provide a training period for a replacement is entitled to sick leave accruals until the employment termination date. The termination date must be specified on the Form 500 effecting the transfer to wages.
- 2.3 A continuing employee who reduces employment to less than is necessary to qualify as a regular employee will earn no additional sick leave nor be able to use any sick leave while holding the nonqualifying position. Any unused sick leave will be reserved as the employee's entitlement until he or she returns to a qualifying status or leaves employment.
- 2.4 An employee does not accrue sick leave for any full calendar month in which he or she is on leave without pay.
- 2.5 Accumulation of sick leave is unlimited. Any unused accumulated sick leave is carried forward at the end of each fiscal year.

2.6 Accumulated vacation leave that exceeds maximum carryover provisions at the end of a fiscal year will be credited to the employee's sick leave balance as of the first day of the next fiscal year.

3. SICK LEAVE CREDIT

3.1 Transfers of Credit

3.1.1 An employee who transfers to the System from another state agency or institution will receive credit for all accumulated sick leave, provided the transfer is made without interruption in state employment. (See section 3.2.2 for restoration of sick leave after a break in service.) Credit for all accumulated sick leave will be transferred to the gaining organization when a transfer is made between System components or units within a component and service is uninterrupted.

3.1.2 System components that acquire transferred employees should not force a break in employment to prevent the employee from transferring benefits earned in another agency.

3.1.3 Uninterrupted employment is employment unbroken by any unauthorized absences. Holidays, days on sick leave, weekends, emergency leaves and other approved leaves are authorized absences.

3.2 Termination of Employment

3.2.1 On termination of employment and a break in service to the state, the employee loses all accrued sick leave. Sick leave credit will not accrue while the employee remains on the payroll to use up accumulated vacation.

3.2.2 Restoration of Accrued Sick Leave

3.2.2.1 An employee will have sick leave restored if he or she leaves state employment but is reemployed within 12 months after the end of the month in which employment ended, and if:

- (1) the employee was laid off under a formal reduction-in-force policy and returns to work for any state agency;
- (2) the employee returns to work for a different System component or state agency; or
- (3) the employee returns to work for the same System component and had at least a 30-calendar-day break in service.

3.2.2.2 Each request for restoration of accrued sick leave must be supported by the prior state employer's written statement that provides: (a) the date of employment termination; (b) the accrued sick leave balance; and (c) if applicable, the fact that the employee

was terminated under a formal reduction-in-force policy. (See System Regulation 33.99.15.)

- 3.2.3 Upon the death of an employee who had at least six months of continuous state service and who had accumulated sick leave, the estate of the employee will be paid for one-half of the employee's unused sick leave or for 336 hours of sick leave, whichever is less. This applies even if the employee was in a nonqualifying position at the time of death. Payment will be calculated at the rate of compensation at the time of death, but neither longevity nor hazardous duty pay may be included in the compensation rate.
- 3.2.4 Lump-sum compensation for unused sick leave is not authorized when employment is terminated for any reason other than death. An employee who has completed his or her final day of duty but remains on the payroll to expend accrued vacation time may not use sick leave prior to final separation from employment.
- 3.2.5 An employee who retires under the Teacher Retirement System may be eligible to purchase membership service credit for accumulated sick leave. The employee may purchase one year of service credit if he or she has at least 50 days or 400 hours of accumulated state sick leave.

4. ABSENSES QUALIFYING FOR SICK LEAVE

- 4.1 Sick leave may be taken when sickness, injury, or pregnancy and confinement prevent the employee from doing his or her job or when an ill member of the employee's immediate family needs the employee's care and assistance. "Immediate family" is defined as those individuals living in the same household and related by kinship, adoption, or marriage; foster children certified by the Texas Department of Protective and Regulatory Services; or a child for whom the employee is the court-appointed guardian. An employee's minor child is considered immediate family even if the child does not live in the employee's household. "Pregnancy and confinement" is defined as a temporary disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom. (See also System Regulation 31.03.05.)
- 4.2 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 a child, spouse, or parent (but not parent-in-law) of the employee who needs such care and assistance as a direct result of a documented medical condition.
- 4.3 An employee may use up to eight hours of sick leave each fiscal year to attend parent-teacher conferences for his or her children in prekindergarten through 12th grade. The employee must provide reasonable advance notice of need for this leave.
- 4.4 An employee who adopts a child younger than three years may use the amount of sick leave following the adoption that would normally be granted for recovery from pregnancy and childbirth.

4.5 An ill or injured employee may be required to take a leave of absence if: (1) in the supervisor's judgment, continued work would create a substantial risk to the employee and/or co-workers, and (2) a physician's statement restricts the employee's activity or environment and the employee's needs cannot be reasonably accommodated. In such instances, the employee must first use sick leave, then vacation, then any accrued compensatory time, then sick leave pool time if approved, and then may be placed on leave without pay until the attending physician certifies that the employee can safely return to work. The employer may require a physician's release statement before permitting the employee to return to work.

4.6 Malingering and other abuses of sick leave will constitute grounds for dismissal.

5. NOTIFICATION OF/APPLICATION FOR SICK LEAVE

An employee who must be absent from duty because of illness or injury will notify his or her supervisor or cause the supervisor to be notified of the fact at the earliest possible time. The employee must notify his or her supervisor of the expected date of return to work, check in periodically on schedules set by the supervisor and notify the supervisor if the expected date of return changes. Upon return to duty and without delay, the employee will submit an application for leave to the supervisor as required in section 6, Documentation and Approval of Sick Leave. This requirement also applies to a faculty member whose absence occurs during the regular employee's normal workday, even if no classes are missed.

6. DOCUMENTATION AND APPROVAL OF SICK LEAVE

The component CEO or designee must approve an employee's sick leave, subject to the following conditions and procedures. The leave will cease on the employee's or immediate family member's medical recovery date (the established date on which the employee should be able to return to work) or when sick leave is exhausted.

6.1 When the absence from work is for three continuous days or less, the employee will submit a leave request using the component's designated format. The CEO or designee may require a physician's statement for absences of three working days or less, as described in section 6.2. If absence is due to the illness of a family member who is not a member of the employee's household, the employee must provide an explanation of the immediate family member's relationship and need for care and assistance that results from a documented medical condition.

6.2 When an employee is absent from work for more than three continuous days due to his or her or a family member's medical condition, the employee must provide the CEO or designee with a physician's statement that indicates the cause or nature of the illness and the estimated recovery date, or some other written statement of the facts concerning the illness that is acceptable. If the estimated recovery date changes, the employee will submit a supplemental written statement from the attending physician showing the new estimated recovery date. Physicians' statements will be filed in a confidential medical file, separate from the employee's personnel file.

6.3 When an employee is absent from work for more than three continuous days due to his or her own medical condition, the supervisor may require the employee to submit a

certificate from the attending physician that states that the employee is able to return to work and specifies what limitations, if any, exist on the employee's ability to perform normal duties.

- 6.4 An employee may apply for sick leave pool hours or leave without pay if he or she is unable to return after exhausting sick leave and vacation. (See System Regulation 31.06.01 and System Regulation 31.03.04.)

7. ACCOUNTING FOR SICK LEAVE

- 7.1 The CEO of each System component will require a record to be kept of each employee's sick leave accrual and sick leave absences, including the associated physicians' statements.
- 7.2 Those portions of leave applications that show the medical condition of an employee or immediate family member will not be made available for public inspection. In compliance with state law, other leave records will be made available to the public, upon request.

8. ADDITIONAL PAID SICK LEAVE

A System component CEO may authorize additional paid sick leave for an employee based on a review of the individual's circumstances. This extended sick leave may be granted only after the employee has taken all paid sick leave, vacation, compensatory time and, if applicable, has satisfied the requirements for sick leave pool, and taken any sick leave pool time for which he or she is eligible. A statement describing the reasons for the authorization of each case of extended sick leave must be attached to the component's duplicate payroll voucher for the payroll period in which the extended sick leave occurs.

CONTACT OFFICE: The System Human Resources Office

HISTORY: Last Issued: November 21, 2000

[Section 31 Rules](#)