

SYSTEM REGULATION

31.06.01 Sick Leave Pool Administration

April 24, 1996

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Supplements System Policy 31.06

1. DEFINITIONS

1.1 For purposes of this regulation, the following definitions apply:

1.1.1 A catastrophic illness or injury 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 treatment by a licensed practitioner for a prolonged period that would result in loss of compensation from the state.

1.1.2 A prolonged period is 160-hours of missed work, which qualifies the employee for sick leave pool benefits. The missed work may be continuous or intermittent. For part-time employees, the requirement of 160 hours will be proportional to their percent effort (50% effort = 80 hours missed work).

1.1.3 A licensed practitioner means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license in treating the employee or family member.

1.1.4 Immediate family members are those individuals related by kinship, adoption, or marriage or Texas Department of Protective and Regulatory Services-certified foster children. Immediate family includes only individuals who are living in the same household as the employee or, if not in the same household, are totally dependent on the employee for personal care or services on a continuing basis. Employees may use sick leave pool hours to care for an immediate family member only under circumstances for which an employee would be eligible to use regular sick leave, if available. (See System Regulation 31.03.02, *Sick Leave*)

1.2 All regular employees, including those on probation, are eligible to participate in the employee sick leave pool. A regular (eligible) employee is one who is listed in the position identification database in a nonwage position identification number (PIN) for fifty percent or more time for at least four and one-half months, excluding students holding positions for which student status is a requirement for employment. The Chief Executive Officers (CEOs) of System components are excluded by law from participation in sick leave pools.

2. ESTABLISHMENT

Each System component will establish a sick leave pool or participate in a sick leave pool in conjunction with one or more other System components.

3. ADMINISTRATION

3.1 The CEO of each System component that has a sick leave pool will appoint a Sick Leave Pool Administrator who will have the following duties and responsibilities:

3.1.1 develop and obtain CEO approval of the procedures for pool operations, including processing procedures for requests to contribute to or withdraw from the pool and the required administrative approvals;

3.1.2 communicate pool operating procedures to all employees and interpret the procedures upon request;

3.1.3 design and implement a system of records maintenance for each contributing and withdrawing employee;

3.1.4 determine eligibility for withdrawing sick leave from the pool and the amount of time that may be drawn from the pool, and approve the withdrawal based on established procedures;

3.1.5 ensure that all employees eligible for participation in the sick leave pool program are treated consistently and equitably according to established procedures and without consideration of employee classification or any other legally impermissible reason; and

3.1.6 return sick leave pool hours to employees who have exhausted all sick leave and request return of donated hours.

3.2 Sick Leave Pool Administrators will process requests within 10 working days following receipt of all information necessary to make a decision.

3.3 Department heads or their designees will ensure and certify that an employee's official leave records reflect donations to the sick leave pool and/or receipt of hours from the sick leave pool.

3.4 CEOs may establish appeal procedures for sick leave pool allocation decisions for their System component.

4. ELIGIBILITY

4.1 An employee requesting sick leave pool hours due to a catastrophic illness or injury is not eligible for pool hours until the employee or family member has been under a licensed practitioner's care and the employee has been absent from work for a minimum of 160

hours. For part time employees, the requirement of 160 hours will be proportional to their percent effort (50% effort = 80 hours missed work).

4.2 If an eligible employee suffers a catastrophic illness or injury as defined in Section 1.1.1 and 1.1.2, the employee may request hours from the sick leave pool under the following circumstances.

4.2.1 If the combination of sick leave, vacation and compensatory time does not cover the 160-hour requirement, then the employee will be placed on leave without pay until the balance of the 160-hour requirement is met. Once the requirement is satisfied, the employee may receive hours from the pool.

4.2.2 Once the eligible employee has satisfied the 160-hour requirement and all vacation, compensatory time and sick leave is exhausted, the employee may receive hours from the pool.

4.3 Sick leave pool hours must be requested before the hours are needed or as soon as possible. State law prohibits the retroactive granting of sick leave or sick leave pool hours.

4.4 All System restrictions on permissible uses of sick leave apply to the use of sick leave pool hours. In no case may sick leave pool hours be used when Workers' Compensation benefits are payable.

5. CONTRIBUTION OF TIME

5.1 To contribute sick leave time to the pool, an employee must submit a form to the employee's System component Pool Administrator in accordance with prescribed procedures. Sick leave pool forms may be obtained from the component human resources office. An employee may not donate sick leave time for use by a specific individual.

5.2 An eligible employee may transfer to the pool one day or more of the employee's accrued sick leave. Contributions will be in one-day increments. A retiring employee may designate the number of his/her accrued sick leave hours to be donated on retirement to the sick leave pool.

5.3 The Pool Administrator will credit the sick leave pool with the amount of time contributed by that employee and will deduct or direct the deduction of a corresponding amount of time from the employee's sick leave accrual as if the employee had used the time for permissible purposes.

5.4 CEOs may offer to terminating employees the opportunity to donate accrued sick leave time to the sick leave pool.

5.5 All contributions will be voluntary.

6. WITHDRAWAL OF TIME

- 6.1 An eligible employee must apply to the appropriate Pool Administrator for permission to withdraw time from the sick leave pool. If the Pool Administrator approves the request, the Pool Administrator will authorize the transfer of the approved amount of time from the pool to that employee. Sick leave pool forms may be obtained from the component human resources office.
- 6.2 The employee must use the time in the same manner as sick leave earned by the employee in the course of employment. Sick leave pool time may be used for a continuous absence or for intermittent or part-time absences if all other requirements of this regulation are met. (See Section 4 for eligibility requirements.)
- 6.3 Accrued sick leave and vacation are not credited to an employee until the first day that he or she returns to work. (See System Regulations 31.03.01 and 31.03.02.) Therefore, an employee who is continuously on sick leave pool will not have accrued vacation or sick leave credited until he or she returns to work. An employee using sick leave pool part time or intermittently will have vacation and sick leave credited and must use the vacation and sick leave before using the sick leave pool hours. If an employee does not use all sick leave pool hours, the unused time will be returned to the pool.
- 6.4 All sick leave pool time granted is subject to System regulations on use of sick leave, and abuse of sick leave will be subject to disciplinary action.
- 6.5 For each catastrophic illness or injury an eligible employee, after fulfilling the 160-hour requirement and exhausting all other leave, may withdraw, if approved, up to one-third of the total amount of time in the pool or a maximum of 90 working days, whichever is less.
- 6.6 When an employee who suffers a noncatastrophic illness or injury has exhausted all accrued sick leave, that employee may withdraw any hours he/she previously contributed to the pool to cover the current illness or injury. However, the employee may withdraw the hours only while employed by an institution or agency that participates in the same sick leave pool to which the hours were donated.
- 6.7 If an employee donated hours to the sick leave pool upon termination, and returns to a component using the same pool, the criteria for restoring those donated sick leave pool hours to sick leave to cover a current injury or illness must meet the following requirements:
 - (a) the employee must have had at least a 30-calendar day break in service unless laid off under a formal reduction in force; and
 - (b) the employee must be re-employed within 12 months.
- 6.8 If requesting to withdraw time because of a catastrophic illness or injury, the employee will be required to furnish a statement from the licensed practitioner treating the employee or family member listing the general nature of the illness or injury, prognosis and expected recovery date. System components may require employees to use a specific form for this purpose.

- 6.9 For purposes of this regulation, pregnancy will not be treated as a catastrophic illness except when severe illness and prolonged complications arise with respect to either the mother or the child.
- 6.10 The granting of sick leave from the pool cannot alter or otherwise change the terms and expected duration of appointment of the employee or other conditions and rules related to employment.
- 6.11 When an employee transfers to another state agency, including another System component, sick leave time donated to the pool may not be transferred to the new agency.

7. EQUAL TREATMENT

- 7.1 An employee absent on sick leave through the sick leave pool will be treated for all purposes as if the employee were absent on earned sick leave.
- 7.2 All eligible employees will have equal access to the pool. Decisions to allocate pool resources to eligible employees will be equitable, consistent, and without regard to employee classification or any other legally impermissible reason.

8. ESTATE ENTITLEMENT

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

CONTACT FOR INTERPRETATION: The System Human Resources Office

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