

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 4	General Personnel Policies	Effective:	November 2000
Section 4.7	Work and Leave Administration	Revised:	April 2004
Policy 4.7.8	Sick Leave	Responsibility:	Vice President for Human Resources

SICK LEAVE

Policy

Employees appointed twenty (20) hours per week or more and for four and one-half (4½) months or more are eligible to earn and use sick leave beginning on the first day of eligible employment. Eligible employees paid on an hourly basis are also entitled to sick leave with full pay and accrue sick leave at the same rate as employees paid on a monthly basis. Employees in positions that require student status as a condition for employment are not eligible for sick leave.

Use of Sick Leave

Sick leave with pay may be taken when an employee is prevented from performing duties due to sickness, injury, or pregnancy and confinement. Sick leave may be used by the employee for the period following delivery and recovery associated with the birth of a child to the extent certified by the physician.

Sick leave may also be used when an employee is needed to care for a member of the employee's immediate family who is ill. The following persons are considered to be members of the employee's immediate family:

1. An individual who resides in the same household as the employee and is related to the employee by kinship, adoption or marriage; or
2. A foster child of the employee who resides in the same household as the employee and who is under the conservatorship of the Department of Protective and Regulatory Services; or
3. A minor child of the employee, regardless of whether the child lives in the same household.

Sick leave for members of an employee's family who do not reside in the same household may only be taken to provide care to a spouse, child, or parent of the employee who needs such care as a direct result of a documented medical condition. Sick leave cannot be used for an employee's parent-in-law if they do not live in the same household.

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Sick leave may be taken for the adoption of a child under the age of three (3) years.

Employees on vacation who would otherwise be entitled to sick leave can request to use sick leave in lieu of vacation. The same documentation procedures as described later in this policy must be followed.

Note: An employee may use up to eight (8) hours of sick leave each calendar year to attend parent teacher conferences for the employee's children who are in pre-kindergarten through twelfth grade. See the *Handbook of Operating Procedures* (HOP), [Section 4.7.18](#), "Other Leave Entitlements", for more information.

Leave Accrual

Eligible employees will earn sick leave beginning on the first day of state employment and on the first calendar day of each succeeding month of state employment.

Eligible full-time employees accrue sick leave at the rate of eight (8) hours for each month or fraction of a month of service. Eligible part-time employees accrue sick leave on a proportionate basis depending on their percent time appointment.

Employees do not earn sick leave when they are in an ineligible status, including leave without pay for an entire calendar month.

Employees employed by multiple state agencies cannot accrue sick leave at a rate that exceeds that of a full-time employee.

Retired state employees who return to state service are eligible for sick leave accruals at the same rate accrued prior to retirement.

Any employee who transfers from a leave-eligible status to an ineligible status will, at the time of the transfer, have his or her accrued sick leave balance "frozen". If the employee returns to a leave eligible status, he or she may begin to use the previous sick leave balance and to accrue sick leave.

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The balance of sick leave accrued prior to extended military leave is “frozen” until the employee returns to employment. No sick leave is earned during extended military leave.

Procedures

1. An employee who does not report to work due to illness must call at the earliest time possible by telephone to his or her supervisor stating the reason for the absence. The employee must keep the supervisor informed of his or her condition, work status, and anticipated return to work date. The supervisor will instruct the employee of any additional notification requirements. If the employee is incapacitated, a designated person should contact the supervisor.
2. If the absence is for more than three (3) consecutive work days, the employee must provide to the supervisor a doctor’s notice or statement indicating the cause or nature of the illness. The department head may, at his or her discretion, allow department employees to provide a written statement in situations where a doctor’s certificate is impractical to obtain. Such a statement must include the facts surrounding the absence and the nature of the illness and must be signed by the employee.
3. If the absence is for three (3) work days or less, a doctor’s notice or statement is not required. However, the department head has the discretion to require a doctor’s notice or statement based on valid justification.
4. An employee who is on leave the first day of the month may not use that month’s accrual until he or she returns to duty.
5. The University may require a [Fitness For Duty Certification](#) form, before an employee returns to work, that he or she is physically or mentally fit to return and perform the essential functions of the job.
6. When an employee has exhausted all accrued sick leave, further absences will be charged against the following in priority order: accrued *Fair Labor Standards Act* (FLSA) compensatory time off; accrued vacation leave; and, accrued personal leave. When an employee has exhausted all accrued FLSA compensatory time off,

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vacation and personal leave entitlements, that employee should be removed from the payroll prior to attaining a negative sick leave balance in excess of one month's accrual (eight (8) hours). The employee can be removed by the department from the payroll by entering the leave of absence (LOA) transaction in the employee's record in the PeopleSoft system.

7. A leave of absence without pay may be granted by the Health Science Center President after all accumulated paid leave entitlements have been exhausted and only after a thorough review of the merits of each individual case.

**Payment,
Restoration, or
Transfer of Sick
Leave When an
Employee
Separates from
Employment**

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1. An employee who resigns, is dismissed, or otherwise separates from employment shall not be paid for any accrued sick leave. Any unearned sick leave advanced and taken by an employee will be deducted from the employee's final paycheck.
 2. An employee who terminates employment and has been approved by the respective executive committee member to remain on the payroll while utilizing available vacation and personal leave, may not use sick leave during this time.
 3. An employee who transfers directly from one state agency or institution of higher education to another will have their sick leave balance transferred, provided the employment is uninterrupted.
 4. An employee laid off under a formal reduction-in-force will have his or her sick leave balance restored if reemployed by the state within twelve (12) months of the month of termination.
 5. An employee separated for other reasons will also have the sick leave balance restored if reemployed by the state within twelve (12) months of the month of termination.
 6. An employee who terminates employment with the Health Science Center and returns to employment with the Health Science Center within twelve months of the month of termination must have a thirty calendar day (30) break in employment before his or her sick leave balance can be restored. However, if the individual were employed

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by another University of Texas component they would not need to have a thirty (30) day break for restoration of sick leave.

7. Retirees who return to state employment will have their sick leave restored in accordance with the provisions in this policy.
8. An employee who is restored to state employment following military service under veterans' employment restoration provisions is generally considered to have been on furlough or leave of absence and, as such, is entitled to restoration of sick leave accrued, but unused, prior to military service.
9. In the case of death of an employee who has an accrued sick leave balance, his or her estate will be paid for one-half (½) of the accrued sick leave balance or 336 hours, whichever is less. The payment will be based on the number of sick leave (and vacation and personal leave) days accrued, counting forward, starting the day after the date of death. If an official state holiday falls within this period, the number of days for which the estate is entitled to be paid is increased by the number of holidays that fall within this period. The payment will be calculated at the rate of compensation being paid the employee at the time of his or her death. Neither longevity pay nor hazardous duty pay may be included in the compensation rate.

Recordkeeping

1. Each University department is accountable and responsible for:
 - a. maintaining accurate records of employee sick leave usage; and,
 - b. reporting sick leave time taken or providing such records to the Offices of Human Resources or the Internal Audit & Consulting Services as necessary. Such records must show the signature of the department head or designee.
2. Faculty and staff employees are responsible for timely and accurately reporting usage of sick leave in accordance with their departmental policy and procedures, and should show the time away from work as "Sick Leave" on applicable time reports and records.

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3. Sick leave taken must be recorded in hours. When charging for time less than an hour, sick leave taken must be expressed as a decimal fraction, i.e., thirty (30) minutes = 0.5 hrs, etc. All sick leave taken must be reported in the Document Review System". (DRS) beginning on the first of the month through the tenth of the month.
 4. The Office of Human Resources is responsible for verifying an employee's sick leave hours with departments prior to transferring the employee to another state agency.
 5. Falsification of leave records or abusing the leave policy by an employee or department personnel responsible for leave recordkeeping is a violation of University policy and is subject to disciplinary action up to and including termination of employment.
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