

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 4	General Personnel Policies	Effective:	November 2000
Section 4.7	Work and Leave Administration	Revised:	February 2009
Policy 4.7.9	Sick Leave Pool Program	Responsibility:	Vice President for Human Resources

SICK LEAVE POOL PROGRAM

Policy

In accordance with the state government code, the Health Science Center has established a sick leave pool program to provide a source of additional sick leave for employees entitled to accrue and take paid sick leave. The sick leave pool is intended to help employees if a catastrophic life threatening illness or injury sustained by the employee or eligible family member, forces the employee to exhaust all leave time earned and to lose compensation from employment as a result.

Applicability

Eligibility for using the sick leave pool are those benefits-eligible employees who are employed to work at least twenty (20) hours per week for a period of at least four and one half (4½) months and who are not employed in a position requiring enrollment as a student as a condition of employment. Probationary employees are eligible for sick leave pool provided they are benefits eligible.

Definitions

CATASTROPHIC ILLNESS OR INJURY: A severe and life threatening medical condition or combination of such conditions affecting the physical or mental health of an employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that requires the employee to exhaust all leave time earned by the employee and to lose any compensation from the state. Prolonged period of time is defined as a thirty (30) calendar day absence from work due to the illness or injury. Examples of catastrophic medical conditions include:

- Strokes
- Heart attacks
- Life threatening injuries caused by serious accidents
- Some cancers
- Major depression or mental disorders
- Severe conditions that would result in death if not treated promptly
- Requires hospitalization of more than 72 consecutive hours
- Legal declaration of danger to self or others

Pregnancy and elective surgeries are not considered severe conditions

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except when life-threatening complications arise from them. The sick leave pool program is not intended to cover short-term conditions for which treatment and recovery are relatively brief.

IMMEDIATE FAMILY: An individual related by kinship, adoption, or marriage that lives in the same household; a foster child of the employee who resides in the employee’s household and is under the conservatorship of the Texas Department of Protective and Regulatory Services, and a minor child of the employee regardless of whether the child lives in the same household. Sick leave may be taken to care for members of an employee’s family who do not reside in the same household only if the time taken is necessary to provide care to a spouse, child, or parent of the employee who needs care due to a documented medical condition. This provision for taking leave does not extend to an employee’s parent-in-law if they do not live in the same household according to a State Auditor’s Office opinion.

LICENSED PRACTITIONER: A person who is licensed to practice in one of the health professions set forth in Paragraph (B) of Article 3.70-2 of the *Texas Insurance Code*.

POOL ADMINISTRATOR: The Vice President for Human Resources is the person appointed to administer the sick leave pool.

SICK LEAVE POOL: The accumulated sick leave donated by employees for utilization in accordance with this policy.

Procedures for Contributions of Sick Leave Hours to the Pool

The sick leave pool will consist of the sick leave hours voluntarily contributed to the pool by employees.

1. Contributions to the pool can be made either upon the employee’s termination of employment from the Health Science Center or during the annual sick leave pool drive sponsored by Human Resources.
2. Employees are permitted to contribute one or more days of their own sick leave hours to the sick leave pool. Contributions to the pool must be in increments of eight (8) hours. The [**Sick Leave Pool Voluntary Contribution Form**](#) must be used to contribute sick leave hours to the pool.

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Retiring employees are also permitted to contribute to the sick leave pool, but may do so in increments of less than eight (8) hours. Retirees may contribute any amount of their sick leave to the pool upon their retirement.

4. Upon receipt of the [Sick Leave Pool Voluntary Contribution Form](#), Human Resources will credit the institutional sick leave pool program with the contribution and will deduct the corresponding amount from the contributing employee's own sick leave balance.

**Procedures for
Withdrawal of
Sick Leave Time
from the Pool**

1. Requests to withdraw sick leave hours from the pool must be submitted on a [Sick Leave Pool Request](#) form. The form and hours indicated must be validated by the employee's department. This form must be filed with the Office of Human Resources and must be accompanied by a statement from the licensed practitioner who treated the illness or injury that resulted in the exhaustion of the accrued annual leave and sick leave of the employee making the request. The statement must provide sufficient information regarding the illness or injury to enable the pool administrator to evaluate the employee's eligibility. The sick leave pool [Attending Physician Statement Form](#) may be used for this purpose.
2. The pool administrator will consider requests to use sick leave pool hours in the order in which they are received and will be approved or disapproved within ten (10) working days of the receipt of the request.
3. In determining the amount of sick leave to be assigned to an eligible employee from the pool, the pool administrator will take into consideration the information contained in the employee's application, the number of applications then pending, and the amount of sick leave available in the pool. In no event shall the sick leave allocated to an eligible employee from the pool exceed ninety (90) work days (720 work hours) or one-third ($\frac{1}{3}$) of the sick leave pool balance, whichever is less.
4. Upon a determination made, Human Resources will contact the employee and department as to the status of the request.

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5. Upon approval of a request for sick leave pool hours, Human Resources will credit the employee's leave record with sick leave pool hours.
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Provisions

1. Sick leave contributed to the pool may not be designated for the use of a particular person.
 2. Although contributions are voluntary, employees who leave state employment are encouraged to contribute to the pool. However, if the employee is re-employed by the state at any time, sick leave hours that are contributed may not be restored under any circumstances.
 3. Employees who have been medically certified to return to work, either on a full-time or part-time basis, will lose eligibility for sick leave pool hours or lose any remaining and unused sick leave pool hours approved by the pool administrator. A doctor's statement or the [Fitness for Duty Certification](#) form may be used to certify return to work status.
 4. The decision of the pool administrator regarding contributions to and withdrawals from the pool is final.
 5. The estate of a deceased employee will not be entitled to payment for unused sick leave assigned from the pool.
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Sick Leave Pool and FMLA and WCI

An employee approved for sick leave pool may use this sick leave in the same manner as the sick leave accrued by the employee and will be treated for all purposes as if the employee were absent on earned sick leave.

If the employee is eligible for *Family Medical Leave Act* (FMLA), he or she must be placed under FMLA beginning with the first day of disability. In most cases, this will be prior to or concurrent with the usage of sick leave pool hours. Departments should not wait until the employee has exhausted the approved sick leave pool hours before placing the employee on FMLA. More information is found in the *Handbook of Operating Procedures* (HOP), [Section 4.7.13](#), "Family Medical Leave Act (FMLA)".

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An employee who is on workers' compensation and receiving temporary income benefits, is ineligible to receive sick leave pool hours. Employees may not receive both workers compensation temporary income benefits and sick leave pool at the same time.

Employees with short term disability insurance are expected to file a claim concerning eligible illness and/or injury. Approved sick leave pool hours will be discontinued once the employee begins receiving insurance payments covering the period of his or her disability.

Funding of the Sick Leave Program

Approved sick leave hours are funded by the employee's department funding sources. This can be state or, if permitted, grant funding sources, however, if the grant has expired, the department is responsible to fund the sick leave pool hours from other sources.
