



Sick Leave

Purpose

This policy establishes the eligibility to earn sick leave, defines the rates of accrual and describes related requirements.

Persons Affected

This policy applies to all university faculty and staff employees.

Definitions

Catastrophic Injury or Catastrophic Illness: Is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee, or the employee's immediate family, that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by the employee and lose sick leave compensation from the state.

Severe Condition or Combination of Conditions: Is one that will result in death or is a severely debilitating condition that will result in the individual not meeting the essential functions of their job if not treated promptly or at regularly scheduled intervals (e.g. chemotherapy treatments, radiation treatments, etc.); has been designated as terminal; or fully incapacitates the employee from working for a continuous period of thirty (30) calendar days or more.

Licensed Practitioner: means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

Immediate Family: is defined as those individuals related by kinship, adoption, or marriage, or foster children who are so certified by the Texas Health and Human Services Commission who are living in the same household. If not in the same household, an immediate family member is strictly limited to the employee's spouse, child or parent; and minor children regardless of whether they live in the same household.

Sick Leave Abuse: occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for charging an absence to sick leave. Abuse may also occur when an employee establishes a pattern of sick leave usage over a period of time such as the day before or after a holiday, on Mondays or Fridays, after payday, any one specific day, half-day, or a continued pattern of maintaining zero or near zero leave balances.

Medical Incident: Is a single occurrence of a catastrophic illness/injury.

Policy

Regular, consistent attendance and punctuality is expected of all university faculty and staff, as well as the proper use of leave time when an absence is necessary.



Procedures

Accrual of Sick Leave

Employees of the university who are employed to work at least 20 hours per week for a period of at least four and one-half months and whose positions do not require student status as a condition of employment, shall, without deduction in salary, be entitled to sick leave subject to the following conditions. Employees of the SFA Charter School will earn sick leave according to charter school policy.

Sick leave entitlement shall be earned, beginning on the first day of employment, at the rate of eight (8) hours for each month or fraction of a month of employment, and shall accumulate with the unused amount of such leave carried forward each month. Eligible part-time employees accrue sick leave in proportion to their FTE.

An employee who is on leave the first day of the month may not use the sick leave that the employee accrues for that month until after a return to duty. Such leave accrual shall terminate on the last day of duty.

An employee's accrued sick leave balance will be transferred when an employee moves from employment in one state agency to another, provided the employment is uninterrupted.

Employees employed by multiple agencies cannot accrue sick leave at a rate that exceeds that of a full-time, 40-hour-per-week employee.

Separation from Employment

Employees of the university who separated from employment under a formal reduction in force are entitled to have their sick leave balances restored if they are re-employed by the state within 12 months. Employees separated from the university, for reasons other than a formal reduction in force, may have their sick leave balances restored only if:

1. The employee is re-employed by SFA within 12 months after the end of the month in which the employee separates from employment, but only if there has been a break in service from the university of at least 30 calendar days; or
2. The employee is re-employed by a different state agency or institution of higher education within 12 months after the end of the month in which the employee separated from the university.

The university has no authority to pay out an employee's accrued but unused sick leave balance upon termination. An employee who is restored to employment at the university following military service is entitled to have his/her sick leave balance restored. Employee Retirement System (ERS) retirees who return to state employment will not have their sick leave balances restored.

Funds appropriated for salaries and wages may be paid for all of the employee's accumulated vacation leave and for one-half of his/her accumulated sick leave or 336 hours of sick leave (whichever is less), to the estate of an employee when said employee dies while employed by the



university. The employee must have had at least six months continuous state employment and have been employed by the university at the time of death. The payment shall be calculated at the rate of compensation being paid the employee at the time of death.

Sick Leave Utilization

Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty, or when a member of the employee's immediate family is actually ill. For purposes relating to regular sick leave, immediate family is defined as those individuals related by kinship, adoption or marriage that are living in the same household; foster children who reside in the same household; and minor children regardless of whether they live in the same household. Sick leave may be used to care for immediate family members who do not reside in the same household only for a documented medical condition. In this instance only, "immediate family" is interpreted as spouse, parent, or child. An employee who is the legal guardian of a child by court appointment may use sick leave to care for the child. Sick leave may be used for the adoption of a child under the age of three. An employee who must be absent from duty because of illness shall notify their supervisor or cause the supervisor to be notified of that fact at the earliest practical time. Non-faculty employees who return to work following sick leave use must complete a sick leave request using an electronic process or a physical form. The request and approval process must be documented and retained in association with state-regulated records retention requirements.

To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, an employee absent due to illness shall send to the administrative department head a doctor's certificate verifying the employee was out due to medical reasons. If an illness results in the absence of three (3) working days or less, the administrative head has the discretion to require documentation verifying the employee was out due to medical reasons. Upon returning to duty after sick leave, an employee shall immediately complete either a Request for Vacation, Compensatory Time, Sick Leave Taken form, request/report the leave electronically through the system leave request form, or document the leave in a manner established by the department head.

An employee may use sick leave while he/she is on annual leave.

Participation by any employee in an organized work stoppage has been declared to be against the public policy of the state of Texas. In any case when there is substantial evidence to indicate that an organized work stoppage exists in any division or department of the university, an employee reporting ill shall send to the administrative head of his/her department or division a doctor's certificate showing the cause or nature of the illness to be entitled to sick leave.

Sick Leave Utilization for Faculty

Faculty must submit leave forms (as designated by the department head) for all sick leave the faculty member takes if the absence occurs during the normal workday for regular employees, even if no classes are missed.

Faculty are allowed to use their sick leave for personal or family illness and for personal leave within these guidelines:



1. If a faculty member needs to take time off to handle personal business, personal leave may be used for that purpose with prior approval from their department head.
2. If a faculty member misses a class, even if a substitute covers the class, the time missed is to be reported.
3. If a faculty member is out on a continuous basis, two days or more, they must turn in leave for 8 hours for each day.
4. If a faculty member misses office hours, due to illness or personal business, they must turn in leave for the time missed.

Extension of Sick Leave

Pursuant to sections 661.202(i) and (j) of the Texas Government Code, an extension of sick leave may be granted through SFA HOP 03-501 Family and Medical Leave or 03-503 Leaves of Absence and Miscellaneous Leave or utilization of the sick leave pool or family leave pool.

Sick Leave for Educational Activities

An employee may use up to eight (8) hours of sick leave each fiscal year to attend school sponsored educational activities of the employee's children who are in pre-kindergarten through 12th grade, including a parent-teacher conference, tutoring, volunteer program, field trip, classroom program, school committee meeting, academic competition, and athletic, music, or theater program.

Donation of Sick Leave to an Employee

Employees may donate any amount of their accrued sick leave to another employee who is employed by the university and who is eligible to accrue and use sick leave but has exhausted all of their sick leave, including time the employee may be eligible to receive as an award from the sick leave pool.

Employees may not provide or receive remuneration or a gift in exchange for a sick leave donation. The use of sick leave donated to the recipient employee must follow the same conditions as normal accrued sick leave as outlined in this policy. Donated sick leave cannot be transferred to another state agency. Donated sick leave cannot be paid out to the estate of an employee if the recipient employee passes away. Donated sick leave hours will be lost when the recipient employee leaves employment and will not be reinstated if the recipient is rehired by the university at a later date. Donated sick leave hours do not get returned to the donor if the recipient does not use them all.

Related Statutes or Regulations, Rules, Policies, or Standards

Tex. Gov't Code §§ 661.001-.038, .201-207

Tex. Educ. Code § 51.961

Regents' *Rules and Regulations*, Rule 30203, Sick Leave Pool

Regents' *Rules and Regulations*, Rule 30204 Family Leave Pool



**STEPHEN F. AUSTIN
STATE UNIVERSITY**

Handbook of
Operating Procedures

Policy Number: 03-505
Last Revised: N/A

SFA HOP 03-504 Organized Work Stoppage
SFA HOP 03-501 Family and Medical Leave
SFA HOP 03-503 Leaves of Absence and Miscellaneous Leave

Responsible Executive

Vice President for Finance and Administration

Forms

Request for Vacation, Compensatory Time, Sick Leave Taken Form
Sick Leave Donation Form (available from Human Resources)

Revision History

September 1, 2023 (original)