



## **Sick Leave Pool**

### **Purpose**

The university maintains a sick leave pool to benefit certain regular employees who suffer a catastrophic injury or illness.

### **Persons Affected**

This policy applies to all eligible university faculty and non-probationary 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.

**Employee:** is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding individuals in positions which require student status as a condition of employment.

**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; who needs care and assistance as a direct result of a documented catastrophic medical condition. 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.

**Pool Administrator:** The person designated to administer the sick leave pool.

### **Policy**

A sick leave pool has been established and is maintained to provide for the alleviation of the hardship caused to an employee and the employee's family if a catastrophic illness or injury forces the employee to exhaust all accrued leave (including compensatory time, if applicable) and lose compensation with the state.



## **Procedures**

### Eligibility and Other General Provisions

1. All regular faculty and non-probationary staff members who are eligible to accrue and use sick leave in accordance with university sick leave policy 03-505 may apply to use sick leave from the sick leave pool. The service must immediately precede the sick leave pool request.
2. Employees may use sick leave pool for their own catastrophic illness or injury or for one in their immediate family, as defined above.
3. An employee must exhaust all available leave before being eligible to receive sick leave from the sick leave pool.
4. The use of sick leave pool hours is limited to 720 hours per medical incident.
5. An employee must have utilized their accrued leave in a responsible manner to be eligible to use sick leave pool unless the leave is specifically donated to the employee. 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. Sick leave used as it is earned is not considered to be responsible use, unless there are extenuating circumstances.
6. An employee utilizing sick leave from the sick leave pool continues to accrue vacation and sick leave entitlement as if on regular sick leave, provided he/she returns to work following the leave.
7. An employee approved for sick leave pool due to a catastrophic illness or injury that is absent from work for a minimum of 30 calendar days and is able to return to work on a part-time basis may continue to utilize the remaining allocated sick leave pool hours on an intermittent basis if the continuing treatment requires the employee to exhaust their leave balance awarded upon their return to work. Employees will be required to provide medical documentation supporting the employee's fitness for duty on a part-time basis and a continuing need for medical treatments and subsequent absences. The treatments and absences must be directly related to the initial qualifying medical incident.
8. Employees who are not covered by FMLA and who are offered a bona fide job offer under SFA HOP 03-213 Return to Work must accept the offer or sick leave pool benefits will end.
9. Employees who file for Worker's Compensation Benefits are not eligible to use sick leave from the sick leave pool. In no case may sick leave pool time be used in conjunction with a worker's compensation claim.
10. A regular part-time employee is granted pool leave on a pro-rated basis.
11. One sick leave pool will be administered for all regular faculty and staff employees of the university.

### Requesting Sick Leave from the Pool

1. A regular employee may apply for sick leave from the sick leave pool by completing a Request for Sick Leave from the Sick Leave Pool form and routing the form to the pool administrator in human resources.
2. Medical certification is required before the sick leave pool request can be reviewed by the administrator. Weekly documentation of appointments and/or treatment must be submitted to the pool administrator. Failure to return the required certification and documentation may result in loss of pool benefits.
3. The pool administrator verifies that the medical documentation supports the request for sick



leave pool. The pool administrator maintains all medical documentation and adheres to standards of confidentiality, to the extent allowed by law.

4. The pool administrator, upon receipt of the department director's recommendation approves all or part of the request, or denies the request within ten (10) business days. If necessary, the pool administrator may seek additional information from both the supervisor and the employee to clarify the employee's previous use of sick leave or to request additional medical documentation. All practitioner's statements and medical updates are subject to be referred to and reviewed by a university medical review board.
5. The amount of the pool leave granted for each catastrophic illness or injury will be determined by the pool administrator. The amount granted cannot exceed one-third of the balance of hours in the pool. However, in no case may an employee use more than 90 work days from the pool. Initiation and/or renewal of approval for use of such leave shall be subject to review of a current medical report for each approval period, and subject to availability of appropriate balance in the fund.
6. Medical updates are required every 30 days, unless otherwise indicated. Failure to return required medical documentation may result in delay or loss of pool benefits.
7. Any unused balance of leave granted to an employee from the sick leave pool returns to the pool if the employee returns to work prior to using all days granted unless medical documentation is submitted to support the need for reduced hours relating to the initial medical incident. All of an employee's monthly leave accruals (vacation/sick leave) must be utilized towards the medical incident prior to using sick leave pool balances. Medical incidents that require reduced hours on a continuous or permanent basis will be addressed through the SFA accommodations process.
8. The estate of a deceased employee is not at any time entitled to payment for unused leave requested from the sick leave pool.
9. An employee's sick leave pool award will immediately stop once the catastrophic medical condition for which it was granted ceases.

#### Contributing Sick Leave to the Pool

1. An employee with accrued sick leave may contribute to the sick leave pool in increments of eight hours, with the exception of a retiring employee who may contribute accrued sick leave in increments of less than eight hours.
2. Sick leave contributed to the pool reduces the accrued sick leave balance of the employee making the contribution.
3. Contributions to the pool are strictly voluntary.
4. An employee contributing sick leave to the sick leave pool may not stipulate who is to receive the contribution.
5. An employee who contributes sick leave to the sick leave pool cannot reclaim the contribution unless entitled to use leave from the sick leave pool. An employee who contributes sick leave to the sick leave pool and then exhausts his/her sick leave balance in the same fiscal year may receive the number of hours he/she contributed to the pool in that fiscal year without suffering a catastrophic illness or injury.
6. An employee desiring to contribute sick leave to the sick leave pool should complete an Application to Contribute Sick Leave form, provide a copy to his/her department head, and route the form to the pool administrator in human resources.

#### Administration of the Pool



1. The pool administrator in the Human Resources Department is responsible for the administration of the sick leave pool as designated by the president.
2. Requests for sick leave from the sick leave pool will be forwarded to the pool administrator. Requests will be considered by the pool administrator on a first-come, first-served basis. Employees may submit a request for sick leave pool hours when they are running out of accrued leave. The request will be considered when they have exhausted all accrued time.
3. The pool administrator will have five working days from the date a request is received in which to approve all or part of the request or deny the request.
4. The amount of sick leave granted for each catastrophic illness or injury will be determined by the pool administrator. The amount cannot exceed one-third of the balance of hours in the pool, or 90 working days, whichever is less. The pool administrator shall approve the use of not more than thirty (30) days of such leave by one individual at one time. Initiation and/or renewal of approval for use of such leave will be subject to review of a current medical report for each thirty (30) day approval, and is subject to availability of appropriate balance in the fund.
5. The pool administrator shall design and implement a system of records management and reporting of sick leave pool activity. The total leave time available in the sick leave pool shall be reported annually to the director of human resources and be available upon request to faculty and staff.

### **Related Statutes or Regulations, Rules, Policies, or Standards**

Tex. Gov't Code §§ 661, Subchapter A  
Tex. Educ. Code § 51.961

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

SFA HOP 03-501 Family and Medical Leave  
SFA HOP 03-213 Return to Work

### **Responsible Executive**

Vice President for Finance and Administration

### **Forms**

Sick leave pool and sick leave donation (available from Human Resources)

### **Revision History**

September 1, 2023 (original)