



Angelo State University
Operating Policy and Procedure

OP 52.41: Sick Leave Pool

DATE: September 1, 2007

PURPOSE: The purpose of this OP is to establish procedures for the State's Sick Leave Pool Program.

REVIEW: This OP will be reviewed in September of each odd-numbered year by the Director of Human Resources with recommended revisions forwarded through administrative channels to the Vice President for Finance and Administration.

POLICY/PROCEDURE

1. Purpose

The Sick Leave Pool was created by the State to grant additional sick leave from a pool of hours for benefit-eligible employees who suffer a catastrophic injury or illness. A catastrophic injury or illness is defined by the Employees Retirement System of Texas as a severe condition or combination of conditions affecting the mental or physical health of the employee or affecting 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 that employee, causes the employee's absence from work, and to lose all compensation from the State for the employee.

2. Definitions

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

- a. **Immediate family** is defined as those individuals related by kinship, adoption, marriage or foster children who are so certified by the Texas Department of Human Services who are living in the same household or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis.
- b. A **catastrophic injury or illness** is one that, among other things, requires the services of a licensed practitioner for "a prolonged period of time" and which causes the employee to exhaust all earned leave time and causes the employee to be absent from work for more than 30 continuous working days. For the purpose of determining eligibility to use Pool leave, 30 working days will be the definition of "a prolonged period of time."
- c. The **Sick Leave Pool Administrator** will be the University's Director of Human Resources. The Pool Administrator will be responsible for enforcing and interpreting this policy and for developing procedures for administering the Sick Leave Pool Program.

3. General Provisions

- a. Employees may use pool leave for their own catastrophic illness or injury or for one in their immediate family, as defined above.
- b. Employees must exhaust all earned leave entitlements before they may use leave from the pool.
- c. Employees on sick leave pool for a full calendar month accrue paid leave for that month, provided they return to work following the leave.
- d. Employees with catastrophic illnesses or injuries are not required to contribute to the pool before they can use pool leave.
- e. Employees who use pool leave are not required to pay back pool leave.
- f. Employees who have sustained a work-related injury or illness and filed notice under the Texas Worker's Compensation Act are not eligible for pool leave.
- g. The University president is excluded from eligibility in the Sick Leave Pool Program by Senate Bill 357.

4. Contributing Sick Leave Hours to the Pool

- a. Contributions to the pool are strictly voluntary and must be approved by the Pool Administrator.
- b. To contribute time to the pool, an employee must submit a written application in the form prescribed by the Pool Administrator.
- c. Active employees may contribute not less than eight hours or more than 24 hours of sick leave to the pool each fiscal year, in eight hour increments.
- d. Employees may contribute to the pool at the time of their separation from employment. They may contribute up to 24 hours at that time, provided they have not already contributed the maximum for that fiscal year.
- e. Employees who contribute leave to the pool cannot get it back unless they are eligible to use it in accordance with the General Provisions.

5. Requesting Sick Leave Hours from the Pool

- a. Requests for pool leave will be in writing with such documentation deemed necessary by the Pool Administrator and forwarded to the Pool Administrator through appropriate supervisory channels. Requests will be considered by the Pool Administrator on a first-come, first-served basis.
- b. The Pool Administrator will have ten working days from the date he/she receives a request in which to approve all or part of the request, or deny the request.
- c. The amount of pool 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 ninety working days, whichever is less.

- d. Any unused balance of pool leave granted to an employee returns to the pool. The estate of a deceased employee is not entitled to payment for unused pool leave.

Thirty continuous working days is a sufficient threshold to eliminate the usual recovery periods associated with routine surgeries and common illnesses. It is necessary to set such a threshold to maintain an available balance of Pool leave for the truly "catastrophic" situations in keeping with the spirit of the legislation creating the Pool. In rare situations, a unique set of circumstances could arise which create a compelling need for Pool leave even though 30 days of absence has not occurred. If such a need arises, the Pool Administrator should first explore the use of the University's Emergency Leave or Extended Leave Policies. If it is not practical to grant Emergency or Extended Leave, the Pool Administrator may decide to grant Pool leave after fully documenting the illness or injury and the extenuating circumstances which negate the 30 day period.