



**Angelo State University**  
**Operating Policy and Procedure**

**OP 52.41: Sick Leave Pool**

**DATE:** April 18, 2018

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to establish policies and procedures for the State's Sick Leave Pool Program.

**REVIEW:** This OP will be reviewed in March every three years, or as needed, by the director of human resources with recommended revisions forwarded through the vice president for finance and administration to the president by April 15 of the same year.

**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 and their immediate family who suffer a catastrophic injury or illness that forces them to exhaust their available sick leave.

**2. Definitions**

- a. **Licensed practitioner** means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.
- b. **Immediate family** is defined as those individuals related by kinship, adoption, marriage or foster children who are so certified by the Texas Department of Family and Protective Services who are living in the same household.

If not living in the same household, an immediate family member is strictly limited to the employee's spouse or child who is totally dependent upon the employee for personal care and services on a continuing basis as a direct result of a documented catastrophic medical condition.

- c. 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 sick leave earned by that employee and to lose compensation. A catastrophic injury or illness also 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."

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 that 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.

- d. A **severe condition** or combination of conditions is one that:
  - (1) Will result in death or is a severely debilitating condition that will result in the individual not meeting the essential functions of his or her job if not treated promptly or at regularly scheduled intervals (e.g., chemotherapy treatments, radiation treatments, etc.); or
  - (2) Has been designated as terminal; or
  - (3) Will require an absence from work for at least 30 continuous calendar days.
- e. 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. An employee is eligible to use time contributed to the sick leave pool if the employee has exhausted the employee's sick leave because of:
  - (1) A catastrophic illness or injury; or
  - (2) A previous donation to the pool.
- b. Employees with catastrophic illnesses or injuries are not required to contribute to the pool before they can use pool leave.
- c. The maximum amount of sick leave that an employee may use from the Sick Leave Pool is 720 hours (90 days) during employment at the university.
- d. 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.
- e. Pregnancy is not considered to be a catastrophic illness unless severe illness and prolonged complications arise to either the mother or the child.
- f. Time off following the birth of a child is considered normal regardless of the method of delivery and will not be considered for Sick Leave Pool unless medical documentation shows complications to the mother or the child after the delivery.

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- g. Sick Leave Pool may not be used for time off for cosmetic, elective, or other non-medically necessary surgery except when life threatening conditions arise from them.
- h. An employee utilizing hours from the Sick Leave Pool will continue to accrue vacation and sick leave entitlements, but may not use the accrued leave until returning to work following the leave.

#### **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. With the exception of retiring employees, university employees may contribute one or more days of sick leave to the pool in eight hour increments.
- d. Retiring employees may contribute any unused balance to the pool and may designate the number of accrued sick leave hours to be used for Teacher Retirement System service credit and the number of hours to be donated, upon retirement, to the Sick Leave Pool.
- e. Employees may contribute to the pool at the time of their separation from employment. They may contribute one or more days of sick leave to the pool in eight hour increments.
- f. An employee who contributes sick leave to the Sick Leave Pool, and then uses all of his or her sick leave balance in the same fiscal year, may receive back and use the number of hours contributed to the pool that fiscal year without suffering a catastrophic illness or injury. Otherwise, the hours contributed to the Sick Leave Pool cannot be reclaimed.

#### **5. Requesting Sick Leave Hours from the Pool**

- a. Requests for pool leave are to be made in writing along with any such documentation deemed necessary by the pool administrator and should be forwarded to the pool administrator through appropriate supervisory channels. The pool administrator may request medical documentation of the catastrophic illness or injury including a physician's certification of such an illness or injury. The documentation must contain sufficient information to allow the pool administrator to evaluate the employee's eligibility. If eligibility cannot be determined from the documentation submitted, the applicant will be denied.
- b. It is the employee's responsibility to notify his or her supervisor that he or she has applied for Sick Leave Pool and what the expected length of absence will be.
- c. The pool administrator will have ten working days from the date the request is received to approve all or part of the request, or to deny the request.
- d. Angelo State, at its discretion, may require a second or third medical opinion from an independent health care provider of the university's choosing when reason exists to question the necessity of the employee's sick leave. All second and third medical opinions will be paid for by the university. If a third medical opinion is sought, the health

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care provider selected must be mutually acceptable to the employee and the university. The third opinion will be the final opinion, and the opinion rendered will be binding on both the employee and the university.

- e. The amount of pool leave granted for each catastrophic illness or injury will be determined by the pool administrator.
- f. 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.

#### **6. Employee Responsibility after Sick Leave Pool Use Approval**

- a. Following the date the employee is approved for the Sick Leave Pool, the employee must provide the pool administrator a written physician's certification that includes the expected duration of the absence and anticipated date of return to work as a result of the catastrophic illness or injury. These certifications must be completed at least on a monthly basis as determined by the pool administrator.
- b. The employee must contact his or her supervisor at least once every two weeks to keep the university advised of the employee's situation and intent to return to work.
- c. The lack of documentation or supervisory contact will be considered job abandonment, and the employee will be terminated from employment.

#### **7. Refund of Sick Leave Pool Time**

Employees who use pool leave are not normally required to pay back such leave. However, if after the employee receives sick pool benefits, it is determined that the employee was ineligible for those benefits, all sick pool benefits must be refunded to the pool.

#### **8. Failure to Return to Work**

If an employee elects not to return to work for a reason unrelated to the catastrophic condition, sick leave pool benefits will end.