



**ADMINISTRATIVE
POLICIES AND PROCEDURES MANUAL**

**DATE ISSUE
2/18/05**

**REVISION
1**

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D6-175.0**

SUBJECT

LEAVES OF ABSENCE

SUB-TOPIC
SICK LEAVE POOL ADMINISTRATION

I. Policy

In accordance with the provisions of Texas Government Code § 661.001, the University allows eligible employees to voluntarily donate accrued sick leave hours to a sick leave pool. Upon meeting the requirements set out in this policy, eligible employees may apply to withdraw unearned sick leave hours from the UTD sick leave pool. The sick leave pool assists employees when they, or eligible family members, suffer a catastrophic illness or injury.

II. Definitions

A. **Catastrophic illness or injury:** A severe condition or combination of conditions affecting the mental or physical health of an employee, or an employee's immediate family, that requires the services of a licensed practitioner for a prolonged period of time; that forces the employee to exhaust all leave time earned by the employee, and that forces the employee to lose compensation from the University. Note: This definition was established by the Board of Trustees of the Employee Retirement System of Texas in accordance with § 661.004 (b).

B. **Severe condition or combination of conditions:** A medical or mental condition that will:

1. Result in death if not treated promptly, or
2. Requires hospitalization for more than 72 consecutive hours, or
3. Causes a person to be legally declared a danger to him or herself or others.

Pregnancy and elective surgery are not considered severe conditions except when one or more complications arise from the pregnancy or elective surgery which would result in death if not treated promptly.

C. **Licensed practitioner:** A practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

D. **Prolonged period of time:** The employee satisfies the prolonged period of time requirement when:

1. He or she has been absent from work and under the care of a licensed practitioner due to the severe condition for at least 80 hours (10 working days) in the 120 calendar days prior to the date the employee becomes eligible for the sick leave pool benefit, or
2. He or she has been hospitalized due to the severe condition for more than 72 consecutive hours.



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- E. Immediate family: Those individuals who live in the same household as the employee and are related by kinship, adoption, or marriage; or are foster children certified by the Texas Department of Family and Protective Services; and an employee's child under the age of 18 years regardless of whether the child lives in the same household. An employee's use of the sick leave pool used to care for family who do not reside in the same household is strictly limited to the time necessary to provide care to the employee's spouse, child or parent who needs such care as a direct result of a documented catastrophic medical condition.
- F. Lose Compensation: The employee satisfies the loss of compensation requirement when he or she has exhausted all paid leave, including compensatory time, and has been placed on leave without pay for at least 8 hours (1 work day) prior to the effective date of the grant of sick leave pool hours.
- G. Pool Administrator: The Director of Human Resources.

III. CONTRIBUTIONS TO THE POOL:

- A. Employees may make contributions to the pool in 8 hour increments, provided the donor's contribution will not result in a sick leave balance of less than eighty (80) hours at the time of the donation. Donations are to the pool and not to specific individuals.
- B. Retiring employees may donate any unused sick leave balance to the pool.
- C. Terminating or retiring employees who donate sick leave to the sick leave pool should understand that donated hours cannot be returned if the employee returns to State employment within twelve (12) months. Terminating employees who choose not to donate unused sick leave hours to the sick leave pool and within 12 months return to State employment are eligible to have their sick leave balances restored and/or transferred to their new place of employment.

IV. WITHDRAWAL OF TIME FROM THE SICK LEAVE POOL:

- A. Application Requirements: An employee is eligible to apply for the Sick Leave Pool when all of the following conditions are met:
 - 1. The employee or employee's immediate family has a catastrophic illness or injury as defined in this policy;
 - 2. The employee has exhausted all accrued sick leave due to the condition;
 - 3. The employee has exhausted all accrued paid leave, including compensatory time;
 - 4. The employee has been, or will be, placed on leave without pay for at least 8 hours (1 work day.)



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5. The employee has not exhausted the maximum award of Sick Leave Pool hours per catastrophic illness or injury; and
 6. The condition is not an on-the-job injury covered by Worker's Compensation Insurance.
- B. Applications are not complete without the required documentation, including the statement of a licensed practitioner.
 - C. Complete applications will be processed on a first-come, first-served basis.
 - D. Awards from the pool may not exceed 720 hours or 1/3 of the Sick leave pool balance, whichever is less, per catastrophic illness or accident.
 - E. The Pool Administrator will determine the exact amount of time that an eligible employee may draw from the pool. The Pool Administrator's decision is final.
 - F. Awards from the pool are prospective. State law prohibits the retroactive granting of sick leave or sick leave pool hours. Employees who have exhausted all accrued paid leave must be put on leave without pay until a sick leave pool award, if any, is approved.
 - G. Unused sick leave pool hours will be returned to the pool.
 - H. Employees who are in their initial performance probationary period, or who are in a disciplinary probationary period, and who receive an award from the sick leave pool will have their probationary status extended upon returning to work. The number of sick leave pool hours used will equal the period that the probationary period is extended.
 - I. An employee who is on leave on the first day of a month may not use the sick leave that the employee accrues for the month until after a return to duty. Accrued sick leave and vacation are not credited to an employee until the first day that he or she returns to work. Therefore, an employee who is continuously on sick leave pool will not have accrued vacation or sick leave credited until he or she returns to work. An employee using sick leave pool part time or intermittently will have vacation and sick leave credited and must use the earned vacation and sick leave before using the sick leave pool hours.

IV. ESTATE ENTITLEMENT:

The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the sick leave pool.

Source: Texas Government Code § 661.001.

For more information contact the Office of Human Resources.