

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Sick Leave Pool

**Regulation and Procedure
Number: URP: 05.520**

Policy Owner: Finance and Administration

POLICY STATEMENT

This University Regulation and Procedure (“URP”) outlines the Texas Woman’s University (“TWU”) guidelines for operation of the sick leave pool program in compliance with state law, and provides a source of additional sick leave to alleviate hardship to Employees and their families if a Catastrophic Illness or Injury forces an Employee to exhaust all paid leave and to lose compensation as a result.

APPLICABILITY

This policy is applicable to TWU Employees.

DEFINITIONS

1. “Catastrophic Illness or Injury” means 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 and that forces the Employee to exhaust all leave time earned by that Employee and to lose compensation from the State for the Employee.
2. “Employee.” for purposes of this policy, means an individual who accrues sick leave, is employed by TWU to work at least twenty (20) hours per week for a period of at least four and one-half (4 ½) months and is not employed in a position for which the Employee is required to be a student as a condition of the employment.
3. “Immediate Family” means:
 - a. An individual who resides in the same household as the Employee and is related to the Employee by kinship, adoption, or marriage; a foster child of the Employee who resides in the same household as the Employee and who is under the conservatorship of the Texas Department of Protective and Regulatory Services; and a minor child of the Employee, regardless of whether the child lives in the same household.

- b. A spouse, child, or parent of the Employee who does not reside in the same household, but who needs care and assistance as a direct result of a documented medical condition.
- 4. "Licensed Practitioner" means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his or her license.
- 5. "Pool Administrator" means the person(s) appointed by the governing body of TWU to administer the sick leave pool hours.
- 6. "Prolonged Period" means a period of at least 45 calendar days or more.

REGULATION AND PROCEDURE

I. Employee Contributions to the Sick Leave Pool

An Employee may contribute to the sick leave pool as follows:

- A. An Employee may transfer one or more unused sick leave days to the sick leave pool. The Pool Administrator will credit the sick leave pool with the amount of time contributed by that Employee and will deduct that amount of time from the Employee's accrued sick leave as if the Employee had used the time for personal sick leave purposes.
- B. An Employee may elect to contribute his or her sick leave balance to the sick leave pool upon termination of employment with TWU. Employees should carefully consider this decision if there is a possibility of future employment by the state within twelve (12) months, in which case the Employee would be eligible to transfer the sick leave balance. Any Employee who contributes sick leave to the sick leave pool upon termination of employment with TWU is not eligible to have those hours restored if he or she returns to state employment within twelve (12) months.
- C. A retiring Employee may designate the number of the retiring Employee's accrued sick leave hours to be used for retirement credit and the number of the retiring Employee's accrued sick leave hours to be donated on retirement to the sick leave pool

II. Use of Sick Leave Pool Time Award

An Employee may use time from the sick leave pool according to the following criteria:

- A. An Employee is eligible to use time from the sick leave pool if the Employee has exhausted his or her sick leave because of a:

1. Catastrophic Illness or Injury of the Employee or Employee's Immediate Family; or
 2. Previous donation of time to the sick leave pool.
- B. Employees who are granted sick leave pool hours are not required to contribute to the sick leave pool before they are eligible to receive hours from the sick leave pool , nor are they required to pay back time used under the sick leave pool . Any hours remaining at the end of the leave period are returned to the sick leave pool. The estate of a deceased Employee is not entitled to payment for unused time withdrawn by the Employee from the sick leave pool.
- C. Employees who have filed a related Workers' Compensation claim are not eligible to apply for leave from the sick leave pool to cover absences during the Workers' Compensation waiting period.
- D. A regular part-time Employee may be granted leave on a pro-rated basis.
- E. If approved, the amount of leave granted will be based on expected duration of leave, but may not exceed the maximum number of hours the Employee is eligible to be awarded under this policy.
- F. Sick leave may be taken to care for members of an Employee's family who do not reside in the same household only if the time taken is necessary to provide care to a spouse, child, or parent of the Employee who needs care due to a documented medical condition.
- G. Employees absent on time withdrawn from the sick leave pool may use the time as sick leave earned by the Employee, and shall be treated for all purposes as an Employee absent on earned sick leave.

III. Application and Award Process

- A. Employees seeking leave under the sick leave pool must submit the following information to the Pool Administrator:
1. A Request for Sick Leave Pool form stating the basis for the Employee's eligibility to use time from the sick leave pool ; and
 2. A Sick Leave Pool Medical Certification form must be completed by a Licensed Practitioner, and must include:
 - a. Information regarding the Catastrophic Illness or Injury to enable the Pool Administrator to evaluate the Employee's eligibility for sick leave from the sick leave pool; and

- b. The anticipated duration of the Catastrophic Illness or Injury, and an expected return to work date.
- B. If additional information is required to verify the Employee's eligibility for sick leave from the sick leave pool, the Pool Administrator will inform the Employee that additional information is needed. A request for sick leave from the sick leave pool is not considered to have been submitted by the Employee until all necessary information has been provided to the Pool Administrator.
- C. Request for Sick Leave Pool forms will be considered by the Pool Administrator, through the appropriate supervisory channels, in the order in which they are received. In determining eligibility, the Pool Administrator will take into consideration the following:
 1. Nature of the illness or injury;
 2. Medical documentation stating the probability of the Employee returning to work at some date;
 3. Length of service;
 4. The number of applications then pending; and
 5. The amount of sick leave available in the pool.
- D. The Pool Administrator will approve all or part of the request, or deny the request.
- E. The amount of 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. The Pool Administrator shall approve the use of not more than 45 days of such leave by one individual at one time. Initiation and 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.
- F. The amount of time approved for award by the Pool Administrator cannot exceed a maximum of seven hundred and twenty (720) hours per catastrophic illness or injury. The maximum lifetime benefit approved for award by the Pool Administrator cannot exceed a maximum of one thousand four hundred and forty (1440) hours as the total number of hours awarded for multiple occurrences.
- G. SICK LEAVE POOL HOURS AWARDED

Length of Service	0-2 years	120 hours
	2-5 years	360 hours
	5+ years	720 hours
Need for Leave	Catastrophic illness or injury of the employee or employee's immediate family requiring services of a licensed practitioner for a prolonged period of time.	
Maximum Benefit Per Occurrence	Time available is limited by statute to no more than 1/3 of the total time in the pool or 90 days, whichever is less.	
Maximum Lifetime Benefit	The total number of hours awarded to an employee with multiple occurrences will not exceed 1440 hours.	

H. Medical updates are required every 45 days, unless otherwise indicated. Failure to return required medical documentations may result in delay or loss of pool benefits.

IV. Sick Leave Pool Award Timekeeping and Recording Responsibilities

- A. Employees shall record use of Sick Leave Pool time in the same manner as they record the use of accrued sick leave.
- B. The Pool Administrator will credit the hours awarded to an employee's Sick Leave Pool accrual balance.
- C. The department shall monitor the use of Sick Leave Pool hours as they are used and upon their exhaustion shall place the employee on leave without pay status, if necessary.

V. Coordination with Other Leave and Benefits

- A. Accrued annual leave and sick leave are not available to the employee until the first day the employee returns to work. An employee using intermittent Sick Leave Pool who returns to work must use the paid leave accruals before using any remaining Sick Leave Pool hours.

- B. An employee applying for Sick Leave Pool shall be placed on Family and Medical Leave when available.
- C. The employee will continue to receive premium sharing while on Sick Leave Pool.

VI. Return to Work Certification

- A. When the employee is absent from work because of a catastrophic illness or injury, the Pool Administrator shall require that, prior to the employee's return to work, the employee submit a licensed practitioner's written statement that the employee was required to be absent from duty because of the condition and the date that the employee is able to return to work. The statement must also specify what limitations, if any, exist to the employee's ability to perform their duties. If limitations exist, the Pool Administrator shall contact the Human Resources ADA Coordinator.
- B. An employee's failure to timely provide a return to work certification or comply with directives to return to work is cause for disciplinary action, including immediate dismissal from employment.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every three years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

Tex. Gov't Code Ch. 661.

Tex. Ins. Code Ch. 1301.

FORMS AND TOOLS

[Request for Sick Leave Pool](#)

[Sick Leave Pool Medical Certification](#)

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