



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

**HSCEP OP:** 70.03, **Sick Leave Pool**

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to establish Health Sciences Center El Paso policy for a sick leave pool.

**REVIEW:** This HSCEP OP will be reviewed on July 15 of each odd-numbered year (ONY) by the Executive Director for Human Resources, with recommendations for revisions submitted to the Chief Financial Officer by August 1.

### **POLICY/PROCEDURE:**

#### **1. Definition**

**Regular Employee:** An employee employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions that require student status as a condition of employment.

#### **2. Sick Leave Pool [1]**

##### **a. General Provisions**

Applying for Sick Leave Pool (SLP) does not mean you will automatically be approved. Your application will be reviewed by professionals experienced in leave management and may include a medical professional review, to determine if it meets the eligibility criteria. If the certification from your healthcare provider is incomplete or lacks sufficient medical information to make a determination, the Leave Administrator will request additional information from you or the healthcare provider completing the application before an award can be made.

The Sick Leave Pool policy is maintained to assist regular benefit eligible employees when they or a family member suffer "catastrophic" injury or illness; requiring the services of a licensed practitioner; forcing the employee to utilize all accrued leave time; and causing the employee to lose compensation.

An employee must have completed six months of state service to be eligible to utilize the Sick Leave Pool. The maximum amount of sick leave that an employee may use from the Sick Leave Pool going forward from July 16, 2012 is 1,440 hours during all employment at Texas Tech University Health Sciences Center El Paso (TTUHSCEP).

A **catastrophic injury or 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:

- A life threatening condition.
- Mental, behavioral, or physical health condition that causes patient to be incapable of self-care.
- After review of the employee's position description, the condition has been determined to be a severely debilitating condition that will result in the individual not meeting the essential functions of his/her job.

Sick Leave Pool is not an entitlement, therefore the request for sick leave pool hours may be denied for a variety of reasons. These reasons include the ineligibility of the illness or condition, the ineligibility of the employee for Sick Leave Pool, an incomplete application or a pattern of leave abuse.

Texas Tech University Health Sciences Center El Paso at its discretion, may require a second or third medical opinion from an independent health care provider of TTUHSCEP's choosing when reason exists to question the necessity of the employee's sick leave pool application. All second and third medical opinions will be paid for by TTUHSCEP. If a third medical opinion is sought, the health care provider selected must be mutually acceptable to the employee and TTUHSCEP. The third opinion will be the final opinion, and the opinion rendered will be binding on both the employee and TTUHSCEP.

Employees must be meeting job performance requirements and observing work rules to be eligible for Sick Leave Pool leave.

**b. Contributing Sick Leave to the Pool**

Contributions to the Sick Leave Pool are strictly voluntary. The Human Resources Office may periodically encourage employees to contribute to the pool in order to maintain an adequate balance.

Active employees with accrued sick leave may contribute any number of their accrued, but unused, hours of sick leave to the Sick Leave Pool in increments of eight hours. Sick leave contributed to the pool reduces the accrued sick leave balance of the employee making the contribution. Employees contributing sick leave to the Sick Leave Pool may not stipulate who is to receive the contribution.

A retiring employee 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.

Employees desiring to contribute sick leave to the Sick Leave Pool should complete a *Request to Contribute Sick Leave to the Sick Leave Pool* form (Attachment A) and route the form through normal administrative channels to the Human Resources Office. Forms are available in the Human Resources Office.

Employees who contribute sick leave to the Sick Leave Pool, and then use all of their 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, employees who contribute sick leave to the Sick Leave Pool cannot reclaim it unless a *Request for Sick Leave from the Sick Leave Pool* form (Attachment B) is approved through normal approval processes.

**c. Requesting to Use Leave from the Sick Leave Pool**

Regular employees may make application for sick leave from the Sick Leave Pool by completing a *Request for Sick Leave from the Sick Leave Pool* form (Attachment B) and Sick Leave Pool Request Addendum (Attachment C). Note: Application for Sick Leave Pool also requires application for Family and Medical Leave (to include a completed Certification of Health Care Provider) per [HSCEP OP 70.32](#). Application documentation should be routed through normal administrative channels to the Human Resources Office.

Regular employees may apply for sick leave from the Sick Leave Pool for their own catastrophic illness or injury or for a catastrophic illness or injury in the immediate family. For purposes relating to the Sick Leave Pool, immediate family is defined the same as it is for

regular Sick Leave. Sick Leave Pool benefits cannot be used for an injury, illness, or family member other than the one approved in the Sick Leave Pool application. An employee will not receive more than 90 days of Sick Leave Pool benefits in any 12- month period.

Employees must use all of their own accrued sick leave, vacation, and holiday comp leave before being eligible to receive sick leave from the Sick Leave Pool.

It is the employee's responsibility to notify his or her supervisor when he or she applies for Sick Leave Pool and the expected length of absence.

State service will be considered when determining the annual maximum leave an employee is eligible to be awarded from the Sick Leave Pool. The following will be considered annual maximums for sick leave awards based on an employee's state service at the time the initial award is made:

<b>YEARS OF SERVICE</b>	<b>MAXIMUM ELIGIBLE HOURS</b>
At least 6 Months but less than 1 Year	40
At least 1 Year but less than 2 Years	120
At least 2 Years but less than 5 Years	240
At least 5 Years but less than 8 Years	360
At least 8 Years but less than 10 Years	560
10 Years or more	720

Employees who are off work due to an on-the-job injury or illness are not eligible to use the Sick Leave Pool.

Employees must provide their supervisor and the Leave Administrator in the Human Resources department, at least monthly following the date the employee files the Sick Leave Pool application, written documentation from their physician that they are unable to return to work because of the catastrophic illness or injury. In addition to certification, the employee must contact his or her supervisor at least once every 30 days to keep the supervisor advised of the employee's situation and intent to return to work. The lack of such certification will be considered job abandonment and the employee may be terminated from employment.

Employees 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.

Employees with a catastrophic illness or injury are not required to contribute to the Sick Leave Pool before they can be granted leave from the pool. Employees who use sick leave from the Sick Leave Pool are not required to pay the pool back for the leave used.

Any unused balance of hours granted to an employee from the Sick Leave Pool returns to the pool if the employee returns to work before using all hours granted. If intermittent treatment is required for the catastrophic injury or illness, unused approved Sick Leave Pool benefits will be provided on an as-needed basis until the employee recovers from that catastrophic illness or injury or the benefit ends, whichever is earlier. Employees do not need to satisfy the catastrophic illness definition more than once per approved application for the same catastrophic illness or injury.

The estate of a deceased employee is not entitled to payment for approved unused Sick

Leave Pool hours.

Intent to return to work is not required for an employee to be eligible for the Sick Leave Pool. However, employees who utilize the full 90 days of approved Sick Leave Pool benefits must return to work for 12 months following their last day of use of the Sick Leave Pool (or exceptional sick leave) benefits before they are eligible to apply for additional benefits from the Sick Leave Pool. In addition, employees must meet the 45-day absence from work requirement with each application.

d. **Administration of the Pool**

One Sick Leave Pool will be administered for all regular faculty and staff employees of TTUHSCPEP.

The Executive Director for Human Resources (EDHR) or his/her designee is responsible for the administration of the Sick Leave Pool.

Requests for sick leave from the Sick Leave Pool will be forwarded to the Leave Administrator in Human Resources department through normal administrative channels. The EDHR or his/her designee will have 15 workdays from the date a request and physician certification is received in which to approve all or part of the request, or deny the request.

The EDHR will determine the amount of sick leave granted for each catastrophic illness or injury. The amount granted for each catastrophic illness or injury:

- Cannot exceed one-third of the balance of hours in the pool or 90 work days, whichever is less; and
- Will not extend past the date an employee qualifies for benefits from disability and/or retirement payments begin from either the Teacher Retirement System, the Social Security Administration, or any other applicable program. All employees must inform the Leave Administrator in Human Resources department of qualification for disability or retirement payments and of the date such benefits begin.
- If sick leave from the Sick Leave Pool is granted for a condition considered to be a “severely debilitating condition that will result in the individual not meeting the essential functions of his/her job if not treated properly”, additional requested leave from the pool will be considered on a case by case basis by the Leave Administrator in the Human Resources department. (NOTE: This condition will require re-evaluation every 30 days in regard to impact of the employee’s essential job functions.)

Sick Leave Pool hours will be applied to the employee's sick leave accrual effective on the first work day following expiration of the employee's earned paid leaves.

Decisions of the EDHR relating to faculty and staff employees may be appealed to the Vice President for Finance and Administration (VPFA).

**ATTACHMENTS:**

[Attachment A](#): *Request to Contribute Sick Leave to the Sick Leave Pool*

[Attachment B](#): *Request for Sick Leave from the Sick Leave Pool*

*Attachment C: Sick Leave Pool Request Addendum*

**REFERENCES:**

1. Texas Government Code, Sections 661.002 - 661.006