

# STANDARD ADMINISTRATIVE PROCEDURE

## **31.06.01.G0.01 Sick Pool Administration Procedures**

*Approved May 9, 2000*

*Revised April 13, 2007*

*Revised September 2, 2009*

*Next scheduled review: Currently under review*

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### **Standard Administrative Procedure Statement**

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This standard administrative procedure is established in accordance with System regulation 31.06.01, Sick Leave Pool Administration.

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### **Definitions**

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For purposes of this regulation, the following definitions apply:

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires treatment by a licensed practitioner for a prolonged period that would result in loss of compensation from the state.

A prolonged period is 160-hours of missed work which qualifies the employee for sick leave pool benefits. The missed work may be continuous or intermittent. For part-time employees, the requirement of 160-hours will be proportional to their percent effort (50% effort = 80 hours missed work).

A licensed practitioner means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license in treating the employee or family member.

Immediate family members are those individuals related by kinship, adoption, or marriage or Texas Department of Protective and Regulatory Services-certified foster children. Immediate family includes only individuals who are living in the same household as the employee or, if not in the same household, are totally dependent on the employee for personal care or services on a continuing basis. Employees may use sick leave pool hours to care for an immediate family member only under circumstances for which an employee would be eligible to use regular sick leave, if available. (See [System Regulation 31.03.02](#))

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## Official Rule/Responsibilities/Process

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### 1. GENERAL

All regular employees, including those on probation, are eligible to participate in the employee sick leave pool. A regular (eligible) employee is one who is listed in the position identification database in a non-wage position identification number (PIN) for fifty percent or more time for at least four and one-half months, excluding students holding positions for which student status is a requirement for employment. The Chief Executive Officers (CEOs) of System components are excluded by law from participation in sick leave pools.

### 2. ADMINISTRATION

2.1 An eligible employee will contact Human Resources to begin the process for sick leave pool access.

2.1.1 As soon as the employee is eligible for the sick leave pool, he/she will fill out a Sick Leave Pool Withdrawal Form and have his/her licensed practitioner complete a Certification of Physician or Practitioner. Both forms are available from the Human Resources Office.

2.1.2 A letter will be sent to the employee stating the outcome of the request. A copy will also be sent to his/her department for payroll purposes.

2.1.3 If, for some reason, the employee requests additional hours from the sick leave pool, the process will be repeated. If the employee's licensed practitioner verifies more time is needed, a determined amount of hours will be transferred to the employee's account. A second letter will be sent to the employee and his/her department approving the additional hours. The maximum amount of hours available to any employee per incident is 720 hours.

2.1.4 When the employee has used all the sick pool hours allotted to him/her, a full release to return to work from his/her licensed practitioner must be provided to HR prior to his/her return.

2.1.5 If, for some reason, the employee returns to full duty before using all the time allotted, those hours will be returned to the sick leave

pool.

- 2.1.6 If an employee is allowed to return to work by written approval from his/her caregiver but fails to do so at the prescribed time, all subsequent sick leave hours will be forfeited at the time the employee is cleared by the caregiver. If the employee fails to return to work during this time, the time from work will be unpaid leave.

### 3. ELIGIBILITY

- 3.1 An employee requesting sick leave pool hours due to a catastrophic illness or injury is not eligible for pool hours until the employee or family member has been under a licensed practitioner's care and the employee has been absent from work for a minimum of 160-hours. For part-time employees, the requirement of 160-hours will be proportional to their percent effort (50% effort = 80 hours missed work).
- 3.2 If an eligible employee suffers a catastrophic illness or injury as defined above, the employee may request hours from the sick leave pool under the following circumstances.
  - 3.2.1 If the combination of sick leave, vacation and compensatory time does not cover the 160-hour requirement, then the employee will be placed on leave without pay until the balance of the 160-hour requirement is met. Once the requirement is satisfied, the employee may receive hours from the pool.
  - 3.2.2 Once the eligible employee has satisfied the 160-hour requirement and all vacation, compensatory time and sick leave is exhausted, the employee may receive hours from the pool. Sick leave pool hours must be requested before the hours are needed or as soon as possible. State law prohibits the retroactive granting of sick leave or sick leave pool hours.
- 3.3 All System restrictions on permissible uses of sick leave apply to the use of sick leave pool hours. In no case may sick leave pool hours be used in conjunction with a Workers' Compensation claim.

### 4. WITHDRAWAL OF TIME

- 4.1 An eligible employee must follow the procedures set out under Administration.
- 4.2 The employee must use the time in the same manner as sick leave earned by the employee in the course of employment. Sick leave pool time may

be used for a continuous absence or for intermittent or part-time absences if all other requirements of this regulation are met.

- 4.3 Accrued sick leave and vacation are not credited to an employee until the first day that he or she returns to work. (See [System Regulations 31.03.01](#) and [31.03.02](#)) 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 vacation and sick leave before using the sick leave pool hours. If an employee does not use all sick leave pool hours, the unused time will be returned to the pool.
- 4.4 All sick leave pool time granted is subject to System regulations on use of sick leave, and abuse of the leave privilege will not be tolerated.
- 4.5 For each catastrophic illness or injury an eligible employee, after fulfilling the 160-hour requirement and exhausting all other leave, may withdraw, if approved, up to one-third of the total amount of time in the pool or a maximum of 90 working days, whichever is less.
- 4.6 When an employee who suffers a non-catastrophic illness or injury has exhausted all accrued sick leave, that employee may withdraw any hours he/she previously contributed to the pool to cover the current illness or injury. However, the employee may withdraw the hours only while employed by an institution or agency that participates in the same sick leave pool to which the hours were donated.
- 4.7 If an employee donated hours to the sick leave pool upon termination, and returns to a component using the same pool, the criteria for restoring those donated sick leave pool hours to the employee for sick leave to cover a current injury or illness must meet the following requirements:
  - (a) the employee must have had at least a 30-calendar day break in service unless laid off under a formal reduction in force; and
  - (b) the employee must be re-employed within 12 months.
- 4.8 If requesting to withdraw time because of a catastrophic illness or injury, the employee will be required to furnish a statement from the licensed practitioner treating the employee or family member listing the general nature of the illness or injury, prognosis and expected recovery date.
- 4.9 For purposes of this regulation, pregnancy will not be treated as a catastrophic illness except when severe illness and prolonged complications arise with respect to either the mother or the child.

4.10 The granting of sick leave from the pool cannot alter or otherwise change the terms and expected duration of appointment of the employee or other conditions and rules related to employment.

4.11 When an employee transfers to another state agency, including another System component, sick leave time donated to the pool may not be transferred to the new agency.

## 5. EQUAL TREATMENT

An employee absent on sick leave through the sick leave pool will be treated for all purposes as if the employee were absent on earned sick leave. All eligible employees will have equal access to the pool. Decisions to allocate pool resources to eligible employees will be equitable, consistent, and without regard to employee classification or any other legally impermissible reason.

## 6. 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 or previously donated to the pool.

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### **Related Statutes, Policies, or Requirements**

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*Supplements [System Policy 31.06](#), [System Policy 31.03](#), [System Regulation 31.06.01](#), [System Regulation 31.03.02](#) and [University Rule 31.03.02.M1](#)*

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### **Contact Office**

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For interpretation or clarification, please contact the TAMU- Galveston Human Resources Office at 409-740-4534.

OFFICE OF RESPONSIBILITY: [TAMUG Human Resources Office](#)