

### 03.610 Sick Leave Pooling.

1. Purpose. Pursuant to Senate Bill 357, 71st Legislature, Regular Session, this policy is established for the creation and operation of a sick leave pool to benefit certain employees who suffer a catastrophic injury or illness.
2. Policy. A sick leave pool shall be established and maintained to provide for the alleviation of the hardship caused to an employee and the employee's family if a catastrophic illness or injury forces the employee to exhaust all accrued leave (including compensatory time, if applicable) and lose compensation.
3. Definitions.

A “catastrophic illness or injury” is a severe condition or combination of conditions affecting the mental or physical health of the employee or 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 accrued leave and therefore result in loss of compensation from the state

A “severe condition or combination of conditions” is one that:

- a. Will result in death or is a severely debilitating condition that will result in the individual not meeting the essential functions of their job if not treated promptly or at regularly scheduled intervals (e.g. chemotherapy treatments, radiation treatments, etc.); or
- a. Has been designated as terminal; or
- b. Will require an absence from work for at least 45 continuous calendar days.

For purposes of this policy, cases involving terminal illness as certified by a licensed practitioner are considered severe conditions. However, pregnancy and elective surgery are not considered severe conditions, except when life-threatening complications arise from them.

“Licensed practitioner” means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

“Immediate family” is defined as those individuals related by kinship, adoption, marriage or foster children who are so certified by the Texas Department of Human Services who are living in the same household. If not in the same household, an immediate family member is strictly

limited to the employee's spouse, child or parent who needs care and assistance as a direct result of a documented medical condition.

4. Eligibility and Other General Provisions.

- a. All regular non-probationary staff members eligible to accrue and use sick leave in accordance with System Sick Leave Policy Number 1.4.10. may apply to use sick leave from the sick leave pool.
- b. Employees may use pool leave for their own catastrophic illness or injury or for one in their immediate family, as defined above.
- c. Employees may also use pool sick leave if they contributed sick leave to the pool and then exhausted their sick leave balance in the same fiscal year. Such employees may receive only the number of hours they contributed to the pool that fiscal year unless they suffer a catastrophic illness or injury as defined above.
- d. Employees must be meeting job performance requirements and observing work rules to be eligible for pool leave beyond that period which is covered by Family Medical Leave.
- e. Employees must exhaust all accrued leave before they are eligible to use leave from the pool.
- f. Employees eligible for Workers Compensation Insurance (WCI) benefits are not eligible to use sick leave from the sick leave pool. In no case may sick leave pool time be used in conjunction with a Worker's Compensation benefits. A request for sick pool benefits will not be processed if the employee has an open Worker's Compensation claim related to the illness or injury supporting the sick pool request, including any appeal to a denial of WCI benefits.
- g. If an employee goes on paid sick pool leave following his/her last day of duty, does not return to duty and subsequently separates (terminates) from State employment, the employee is not entitled to leave accruals while on such paid leave for any calendar month(s) following the month in which the last day of duty occurs.
- h. However, if an employee goes on paid sick pool leave which extends into a subsequent month(s) and later returns to duty,

upon return, the employee is entitled to vacation and sick leave accruals for the month(s) the employee was on paid leave. These accruals should be credited to the employee immediately upon return to duty, and the employee may use them after such return.

- i. Employees who use pool leave are not normally required to pay back such leave. If after receiving sick pool benefits, it is determined the employee was ineligible for those benefits, all sick pool benefits must be refunded to the pool.
- j. Regular part-time employee is granted pool leave on a pro-rated basis.
- k. Sick pool benefits will end upon a full release to work from the licenses practitioner or when the maximum hours have been reached, which ever comes first.
- l. If an employee elects not to return to work for a reason not related to the catastrophic condition, sick leave pool benefits will end.
- m. Employees who are not covered by FMLA and who are offered a bonafide job offer under the University's Return to Work Program must accept the offer or sick leave pool benefits will end.

5. Contributing Sick Leave to the Pool.

- a. Contributions to the pool are strictly voluntarily.
- b. Active employees may contribute an unlimited amount of days of sick leave to the pool each fiscal year, in increments of eight hours.
- c. Employees who make contributions to the pool may not stipulate who is to receive their contributions.
- e. Employees may contribute an unlimited amount of days, in increments of eight hours to the pool at the time of their separation from State employment.
- f. Employees who contribute leave to the pool cannot get it back unless they meet the criteria described in section 4.3 above.

6. Requesting Use of Leave from the Pool.

- a. Requests for pool leave will be forwarded to the Pool Administrator (in the UNT Human Resources Department) through appropriate supervisory channels, and will be considered by the Pool Administrator on a first-come, first-served basis.
- b. The Pool Administrator will approve all or part of the request, or deny the request. All practitioner's statements and medical updates are subject to be referred to and reviewed by a University medical review board.
- c. 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 workdays from the pool. The Pool Administrator shall approve the use of not more than 30 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.
- d. Medical updates are required every 30 days, unless otherwise indicated. Failure to return required medical documentations may result in delay or loss of pool benefits.
- e. Any unused balance of pool leave granted to an employee returns to the pool. The estate of deceased employee is not entitled to payment for unused pool leave.
- f. All requests to use pool leave and the physician's statement must be on approved forms or equivalent forms that have all the pertinent information on them. Such forms are available in the UNT Human Resources Department.

#### REFERENCES:

SB 357, 71st Legislature, Regular Session.

SB 988, 74th Legislature, Regular Session.