

### 03.609 Sick Leave.

1. Policy and Eligibility. Regular staff members of the University of North Texas System are entitled to a sick leave allowance as provided by the Texas Government Code. Sick leave provides each regular staff member with a leave allowance to cover periods of actual personal illness, and other circumstances as prescribed by law.
2. Rate of Accrual and Accrual Computations. Sick leave entitlement accrues as follows:
  - a. Sick leave entitlement accrues from the first day of employment and terminates on the last day of duty. An employee is entitled to be credited for one month's accrual of sick leave for each month of employment beginning on the first day of employment and on the first calendar day of each succeeding month of employment.<sup>1</sup>
  - b. Regular full-time employees shall earn sick leave entitlement at the rate of eight (8) hours for each month or fraction of a month of paid employment.<sup>2</sup> Regular part-time employees shall earn sick leave entitlement at their percentage of time employed times eight (8) hours for each month or fraction of a month of paid employment.<sup>3</sup> For example, an individual employed for seventy-five (75) percent time will accrue six (6) hours monthly ( $.75 \times 8 = 6$ ).
  - c. Leave Accruals While on Paid Leave: If an employee goes on paid leave (e.g., vacation, sick, or compensatory 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. However, if an employee goes on paid 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.<sup>4</sup>
3. Sick Leave Utilized. Sick leave taken must be recorded in hours. When charging for time less than an hour, sick leave taken must be rounded off to tenths of an hour, i.e., six (6) minutes = 0.1 hours, twelve (12) minutes = 0.2 hours, eighteen (18) minutes = 0.3 hours, etc.

4. Maximum Accrual/Conversion of Lapsed Vacation Accrual. All unused vacation leave hours that are lapsed at the end of a fiscal year will be credited to the employee's sick leave balance as of the first day of the next fiscal year (effective with balances lapsed at the end of fiscal year 1992.)<sup>5</sup>

*NOTE: Prior to September 1, 1973, an employee could carry forward from one fiscal year to the next fiscal year no more hours than the number earned in the last three (3) years of continuous employment.<sup>6</sup> Therefore, on September 1, 1973, an individual could have had a sick leave balance of no more than 288 hours (8 hours x 36 months = 288 hours). Beginning September 1, 1973, accruals of sick leave may be carried forward from one fiscal year to another with no limit to the number of sick days that may be accrued.<sup>7</sup>*

5. Use of Accrued Sick Leave. An employee is entitled to use sick leave with pay for the following reasons:
  - a. When the employee's performance of duty is prevented by sickness, injury, pregnancy and confinement, or exposure to contagious diseases which require quarantine or isolation.
  - b. When the employee is needed to care and assist a member of his immediate family who is actually ill. For example, a state employee, who is the father of a child, may use his sick leave in conjunction with the child's birth only if the child is actually ill or to care for his spouse while she is recovering from labor and delivery. For sick leave purposes, immediate family is defined as those individuals who reside in the same household and are related by kinship, adoption or marriage, as well as foster children certified by the Texas Department of Protective and Regulatory Services. Minor children of the employee, whether or not living in the same household, will be considered immediate family for purposes of sick leave. An employee's use of sick leave for family members not residing in that employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child or parent of the employee who needs such care and assistance as direct result of a documented medical condition.<sup>8</sup>
  - c. For medical and dental appointments, examinations or treatments.
  - d. Up to eight (8) hours of sick leave per calendar year may be used for attendance at a parent-teacher conference for the

employee's children, provided the employee is a parent of (or a person standing in parental relation to) a child who is a student attending a grade from prekindergarten through 12<sup>th</sup> grade. An employee shall give reasonable advance notice of their intention to use sick leave to attend a parent-teacher conference.

- e. An employee who adopts a child under three years of age is to be treated as if he or she had undergone pregnancy and childbirth. Therefore, an employee who adopts a child under three years of age may use the amount of sick leave that would be necessary to recover from pregnancy and childbirth. (Attorney General Opinion No. JM-1203).
6. Staff Sick Leave Notification and Approval.<sup>10</sup> To be eligible for sick leave with pay, a staff member must promptly notify the supervisor or department official of the reason for the absence. The staff member must also keep the supervisor or department official informed of his condition if the absence continues for more than one day. Upon return to duty the staff member must, without delay, complete an Application for Approval of Leave/Overtime Form UPO-15 and submit it to the department official who has the authority to approve leave. The department official who has the authority to approve leave will be the head of the department unless otherwise directed by the Vice Chancellor or the Chancellor. After verifying its accuracy, the departmental time clerk will post the hours of sick leave taken to the individual's Regular Staff Member Time Card Form UPO-24. Also, near the end of the month the UNT Human Resources Department will furnish each department a Vacation and Sick Leave Hours Utilized Report. All sick leave taken by a staff member during the month must be reported on the Vacation and Sick Leave Hours Utilized Report and the report must be returned to the UNT Human Resources Department.
  7. Medical Practitioner's Statement. To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, an employee who has been absent must provide a medical practitioner's statement showing the cause or nature of the illness, or some written statement of the facts concerning the illness, which is acceptable to the departmental official. It is within the discretion of the department official to require documentation concerning illnesses resulting in absences of three (3) working days or less.<sup>11</sup>

Additional medical certifications may be required at regular intervals for individuals utilizing sick leave over an extended period of time.

8. Sick Leave Expended. When a staff member has exhausted all accrued sick leave, further absences will be charged against accrued vacation leave and/or compensatory leave. In some circumstances the staff member may be docked as a disciplinary action as opposed to using vacation and/or compensatory leave (if not covered by Family and Medical leave); contact the Employee Relations section of the UNT Human Resources Department for assistance. When accrued leave with pay entitlements has been exhausted, in some circumstances staff may be eligible to use the Sick Leave Pool and/or may be eligible to apply for Administrative Leave with Pay.

When all paid leave options have been expended, the staff member may request a leave of absence without pay (see Leave of Absence without Pay Policy). A leave of absence without pay must be granted for the time period covered by Family and Medical Leave, if applicable (see Family and Medical Leave Policy). If a leave of absence without pay is not granted, or when an approved leave without pay period is concluded and not extended, the department official must terminate the staff member from the System. When capable of returning to working status, the staff member may apply for re-employment but is not guaranteed reinstatement.

9. Transfers. An employee who transfers to the University of North Texas System from another State agency, or from one department in the System to another, will be given credit by the System or department for any unused balance of accumulated sick leave, provided there is no interruption of service, i.e., the individual is placed on the payroll of the System or department on the first working day succeeding the day separated from the old agency or department.<sup>12</sup> This provision also applies to individuals transferring to and from positions in grant accounts. The UNT Human Resources Department will request verification of previous State service upon notification by the staff member; however, the staff member is ultimately responsible for securing transfer credit from his former employer.
10. Abuse of Sick Leave Privileges. Malingering and abuse of sick leave privileges may be grounds for suspension or termination.
11. Sick Leave Payment to Estate of Deceased Staff Member. When an employee dies, the estate of the deceased individual will be paid one-half of the individual's accumulated sick leave, or for 336 hours of sick leave, whichever is less,<sup>13</sup> provided the employee has had at least 6 months of continuous state employment. Lump sum calculation of death sick leave benefits may not include longevity or hazardous duty pay.<sup>14</sup> The payment made to the estate of the deceased individual for

unused sick leave is not wages and is not subject to Social Security deductions.<sup>15</sup>

12. Use of Sick Leave or Annual Leave and Workers' Compensation or Temporary Disability Benefits. An employee is not required to exhaust all accrued sick leave before receiving weekly Workers' Compensation disability payments. If the individual elects to utilize all sick leave, weekly Workers' Compensation payments will not be made until the individual has exhausted all accrued sick leave.<sup>16</sup> If an employee elects to use all of his/her accrued sick leave, the employee must choose to use all, some, or none of the their vacation leave before receiving Workers' Compensation benefits. An employee on Family and Medical Leave Act (FMLA) leave who is receiving temporary disability benefit payments under the Uniform Group Insurance Plan is not required to utilize sick leave while receiving such benefits.<sup>17</sup>
13. Sick Leave at Termination. Sick leaves provides a leave allowance to cover only periods of actual personal illness. Thus, unused sick leave at termination is forfeited. Sick leave cannot be used during periods when a terminated employee is extended on the payroll to expend accrued vacation time.<sup>18</sup> Sick leave eligibility (accrual) stops on the last day of duty, which is the date the employee is last physically on the job.
14. Sick Leave at Reemployment. An employee separated from employment with the State under a formal reduction-in-force shall have his sick leave balance restored if re-employed by the State within twelve (12) months after the end of the month in which the employee separates from State employment. An employee separated for other reasons shall also have his sick leave balance restored: a.) if re-employed by the same State agency within twelve months of termination, provided there has been a break in service, of at least thirty (30) calendar days since termination or b.) if re-employed by the state, with an agency or institution other than the agency or institution from which the employee separated, within twelve (12) months after the end of the month in which the employee separates from State employment.<sup>19</sup>

An employee who separates from State employment for any reason and who, following a break in service, returns to any State employment within the same calendar month in which separated, shall not upon return be entitled to earn any additional sick leave for that month in which sick leave was already earned.<sup>20</sup>

## REFERENCES:

1. Chapter 661, Subchapter G, "General Provisions for Sick Leave for State Employees", Texas Government Code.
2. Ibid.
3. Ibid.
4. Chapter 661, Subchapter G, "General Provisions for Sick Leave for State Employees", Texas Government Code, and State Auditor's Office Memorandum (Auditor's Interpretation) to Mr. I. M. Mericle, Assistant Deputy, Commissioner for Human Services, Texas Rehabilitation Commission, RE: Leave Accruals While on Paid Leave, May 8, 1991.
5. Chapter 661, Subchapter G, "General Provisions for Sick Leave for State Employees", Texas Government Code.
6. Attorney General Opinion No. H-684, September 8, 1975.
7. Chapter 661, Subchapter G, "General Provisions for Sick Leave for State Employees", Texas Government Code.
8. Ibid.
9. Chapter 661.151, Texas Government Code, as amended by HB 1177, Seventy-Fifth Legislature.
10. Chapter 661, Subchapter G, "General Provisions for Sick Leave for State Employees", Texas Government Code.
11. Ibid.
12. Ibid.
13. Ibid.
14. Chapter 661.034, Texas Government Code.
15. Comptroller of Public Accounts Memorandum to All State Agencies and Departments, RE: Payment for Accrued Vacation and Sick Leave Redefined for Social Security Purposes, January 26, 1976.
16. Article 309g, Section 12 (a), State Employees Workers Compensation Act.
17. Chapter 661, Subchapter G, "General Provisions for Sick Leave for State Employees", Texas Government Code.
18. Chapter 661.067, Texas Government Code.
19. Chapter 661, Subchapter G, "General Provisions for Sick Leave for State Employees", Texas Government Code.
20. State Auditor's Office Memorandum to File – Personnel Laws and Policies Affecting Classified Employees, Sick Leave Section, October 21, 1985.