

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: Human Resources

NUMBER: 02.D.02

AREA: Leave Entitlements

SUBJECT: Sick Leave Pool

1. PURPOSE

- 1.1. This document provides information about the System's sick leave pool and its operations.

2. POLICY

- 2.1. In compliance with the requirements of Texas Government Code, Section 661, the System developed the sick leave pool to alleviate hardships caused to an employee and the employee's family if a catastrophic illness or injury forces an employee to exhaust all earned leave time and to lose compensation.

3. POLICY PROVISIONS

- 3.1. As required by law, the Board of Trustees of the Employees' Retirement System of Texas (ERS) has defined terms as follows:
- 3.1.1. A catastrophic illness or injury: 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 leave time earned by that employee and to lose compensation. The uncomplicated delivery of a child at the conclusion of a pregnancy is not considered to be a catastrophic illness or injury.
- 3.1.2. A prolonged illness or injury: An illness or injury lasting in excess of 30 consecutive calendar days in duration. Days the employee is actively at work will not be counted as illness or injury time.
- 3.1.3. Licensed practitioner: A practitioner or physician as licensed by their respective state or country.

- 3.1.4. Immediate family: Those individuals related by kinship, adoption, marriage or certified foster children who are living in the same household or if not in the same household are totally dependent on the employee for personal care or services on a continuing basis.

3.2. Administrative Guidelines

The Benefits Coordinator for each university is the sick leave pool coordinator for that university. The Benefits Coordinator is responsible for:

- Interpreting policy;
- Obtaining approval for pool procedures;
- Designing and implementing a records maintenance system;
- Maintaining sick leave pool records;
- Ensuring that contributions and withdrawals are conducted according to policy;
- Communicating sick leave pool operating procedures to employees and interpreting procedures and rules;
- Approving withdrawals from the sick leave pool at the university level; and
- Ensuring that all employees eligible for participation in the sick leave pool program are treated equitably according to established procedures.

3.3. Eligible Employees

Employees eligible to participate are those employees who:

- 3.3.1. Are employed for and have worked one-half or more of the standard workload for a definite period of four and one-half months or more during an academic year and have completed their probationary period; and
- 3.3.2. Exhaust all accrued sick leave, compensatory leave, extended sick leave, vacation and any other paid leave times to which they are entitled due to a catastrophic illness or injury.

3.4. Ineligible Employees

- 3.4.1. Those employed less than one-half the standard workload, and those with irregular, seasonal, or temporary employment for a definite period of less than four and one-half months, or have not worked at least four and one-half months during an academic year are ineligible to participate.
- 3.4.2. Those employed in a position that does not accrue sick leave are not eligible to participate in the sick leave pool.
- 3.4.3. Student employees are not eligible if student status is a required condition of their employment.
- 3.4.4. Probationary employees and retirees are not eligible to participate in the sick leave pool.
- 3.4.5. Employees are not eligible to receive Sick Leave Pool and Family Leave Pool benefits in the same leave occurrence, except for when the family leave pool withdrawal request circumstances meet the following criteria:
 - A. The employee has exhausted all earned leave time and risks losing compensation; and
 - B. The family leave pool withdrawal requested leave dates are within the sick leave pool's 30 consecutive days waiting period.
- 3.4.6. Employees on leave without pay are not eligible unless their leave without pay status is a result of depleting accrued paid leave because of the qualifying illness or injury. If an employee has returned from leave without pay, the employee is ineligible until they complete a minimum of 30 active workdays.
- 3.4.7. The Chancellor of the System and the Presidents of universities within the System are not eligible to participate in the sick leave pool.
- 3.4.8. Employees with a catastrophic illness or injury lasting less than 30 calendar days are not eligible to withdraw time from the sick leave pool.
- 3.4.9. Employees with a work-related catastrophic illness or injury that is covered by Workers' Compensation Insurance are not eligible to withdraw time from the sick leave pool.

3.5. Sick Leave Pool Contributions

- 3.5.1. Contributions to the sick leave pool are voluntary and may be made at any time during the year by submitting written requests to the university's sick leave pool administrator.
- 3.5.2. Eligible active employees may contribute any amount of sick leave hours up to and including their total sick leave balance.
- 3.5.3. Contributions to the sick leave pool are irrevocable.
- 3.5.4. Employees who make contributions may not stipulate who is to receive sick leave pool benefits.
- 3.5.5. Human Resources Department representatives will inform each eligible terminating employee of the option to contribute to the pool prior to the employee's termination date.

3.6. Sick Leave Pool Withdrawals

- 3.6.1. Sick leave pool withdrawal requests are voluntary.
- 3.6.2. Eligible active employees may request sick leave pool time by submitting written requests to the university's sick leave pool administrator.
- 3.6.3. Days paid from the sick leave pool will be calculated at the employee's regular full-time equivalency. An employee cannot receive daily sick leave pool pay in an amount greater than their regular base rate, excluding premium pay additions.
- 3.6.4. The department(s) that normally bear(s) the employee's earned sick leave pool expense will also bear the expense of sick leave awarded from the sick leave pool.
- 3.6.5. An employee requesting sick leave pool time must provide a Leave Pool and Sick Leave Donation Health Care Provider Medical Certification form from a licensed practitioner. The certification must include expected duration of the illness and expected return to work date. A licensed practitioner's certification form must be submitted for each 30-day period of sick leave pool time requested. No sick leave pool time will be granted for any days not covered by a licensed practitioner's statement.
- 3.6.6. The System reserves the right to require additional licensed practitioner's certification forms from providers of its choice. The expense of such additional documentation will be borne by the employing university.

- 3.6.7. Withdrawal requests will be processed on a first-come, first-served basis, regardless of method of delivery, according to date and time of receipt by the Benefits Coordinator.
- 3.6.8. Sick leave pool benefits begin only after a 30 consecutive day waiting period has elapsed. Application for the sick leave pool must be made within 12 months of the date after the 30-day waiting period is met.
- 3.6.9. Employees will be granted sick leave pool time in an amount not to exceed 30 consecutive working days or one-third of the balance of hours in the sick leave pool, whichever is less.
- 3.6.10. An employee may receive a maximum of 90 working days from the sick leave pool throughout their employment for any university within the system.
- 3.6.11. An employee may not request or be granted sick leave pool time when less than five days remain in the sick leave pool. If less than five days are available in the sick leave pool, then the employee's request will be held and will be processed when five or more days become available in the pool. If five or more days are available in the sick leave pool, but fewer days are available than the employee requests, then the employee is granted the number of days in the sick leave pool, up to the limits included in this policy. Though the employee may receive fewer days than the requested number, the request is not held, nor is additional time granted retroactively should days become available at a later time. The employee may make a new request for withdrawal of sick leave pool time. This request would be processed according to regular withdrawal guidelines.
- 3.6.12. Employees on pool sick leave continue to accrue regular earned sick leave and vacation. Regular earned leave must be exhausted before qualifying for additional sick leave pool time.
- 3.6.13. It is the employee's responsibility to notify their supervisor that they have applied for sick leave pool time and their expected length of absence. In addition, the employee must contact their supervisor at least once every two weeks while on sick leave pool to keep the supervisor advised of the employee's situation and intent to return to work. The lack of such documentation and contact with the university will be considered job abandonment, which will result in the termination of the employee.
- 3.6.14. An employee enrolled in the System's Short-Term Disability plan must have made application to that plan if the illness is a disability that will continue 30 or more calendar days. An employee enrolled in the System's Long-Term Disability plan must have made application to that plan if the illness is a

disability that will continue 90 or more calendar days. Long-term disability benefits will begin after all sick leave pay, extended sick leave pay, and sick leave pool pay have been exhausted.

3.6.15. An employee is eligible to use time contributed to the sick leave pool if the employee has exhausted sick leave because of a catastrophic illness or injury or a previous donation of time to the sick leave pool. Only the number of days contributed during the fiscal year may be requested. In this case, the employee may withdraw less than five days from the sick leave pool.

3.6.16. 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.

3.6.17. Any unused balance of sick pool leave granted to an employee returns to the pool.

5. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice Chancellor, Human Resources

Review: Every five years

6. APPROVAL

Approved: /Raymond Bartlett/
Senior Vice Chancellor for Administration and Finance

/Renu Khator/
Chancellor

Date: October 11, 2024

7. LEGAL REFERENCES AND RESOURCES

Texas Government Code Chapter 661, Subchapter A – *State Employee Sick Leave Pool*