

SICK LEAVE POOL POLICY 4310

This policy establishes a sick leave pool to provide additional sick leave for regular full-time employees who have exhausted all paid leave entitlement and suffered a loss of compensation because of a catastrophic illness or injury of the employee or the employee's immediate family. Participation in the pool is available for regular full-time employees who have completed a one-year waiting period from the initial date of hire and meet the eligibility requirements set by the procedures governing the pool. This is a benefit and not an entitlement.

An employee's sick leave from the sick leave pool, which is taken because of a catastrophic illness or an injury to the employee or the employee's immediate family, will run concurrently with leave under the Family and Medical Leave Act. The employee must have already donated the minimum number of sick leave hours required to join the pool.

The Director of Human Resources will administer the sick leave pool according to Chapter 661, Subchapter A, Texas Education Code.

Sick Leave Pool Procedures

I. Purpose

The purpose of the Sick Leave Pool is to provide additional sick leave to eligible South Texas College (STC) employees who experience catastrophic illness or injury. This Pool is established by Board Policy 4310 and subject to the terms outlined in this procedure.

II. Eligibility

Participation in the Sick Leave Pool is on a voluntary basis. In order to be a member of the Sick Leave Pool, the STC employee must be:

- 1) A full-time regular employee who accrues sick leave in accordance with STC Policy; and
- 2) Has completed 12 calendar months of employment with STC; and
- 3) Has a minimum accrued sick leave balance of 72 hours at the time of the annual enrollment period.

Members may cancel their participation at any time by giving written notice to the Sick Leave Pool Committee; however, sick leave hours contributed to the Sick Leave Pool will not be restored to the member upon cancellation.

III. Enrollment Period

The enrollment period will be held twice a calendar year:

April 1st – April 30th
and
October 1st – October 31st

The member shall be considered enrolled on the first day of the month following the end of the enrollment period.

IV. Membership Requirements

A. Initial Enrollment

Upon initial enrollment, the employee will contribute a minimum of 24 hours of their individual accrued sick leave to the Sick Leave Pool. An employee may elect to donate more accrued sick leave hours as long as the minimum required balance of 48 hours is maintained in their individual accrued sick leave. Employees who have reached the maximum number of sick leave hours in accordance with STC Policy are encouraged to donate their annual number of accrued sick leave in lieu of forfeiture. Sick Leave Pool members who wish to continue participation will be required to donate eight hours of accrued sick leave during one of the enrollment periods in April or October of each calendar year. Once enrolled, continuing members shall not be required to maintain a minimum individual accrued sick leave balance.

B. Continuing Membership

Continuing Sick Leave Pool members who do not have the eight hours of sick leave needed to renew their participation shall be granted a grace period of 30 days and will donate their next eight hours of accrued sick leave. The Office of Human Resources will monitor the records of individuals who have been granted a grace period for donating the eight hours of sick leave and will update their records automatically once the hours are accrued. A continuing member who does not have the adequate sick leave time within the 30-day grace period may donate accrued vacation leave in lieu of sick leave. If the continuing member does not have the adequate sick or vacation leave, the individual will forfeit participation for the next six months until the next enrollment period. The subsequent year the individual may donate the eight hours required for continuing members and reactivate his or her participation in the Sick Leave Pool.

C. Members on Approved Sick Leave

Members of the Sick Leave Pool who are on approved sick leave assistance time during an annual enrollment period shall not be required to donate to the pool for that enrollment period. However, the member shall be required to donate eight hours of accrued sick leave for all future enrollment periods if he/she wishes to continue as an active member of the Sick Leave Pool. All time contributed to the Sick Leave Pool is nonrefundable.

V. Administration of Sick Leave Pool

A. Sick Leave Pool Administrator

The President of the College has designated the Director of Human Resources as the Sick Leave Pool Administrator. The Sick Leave Pool Administrator shall adopt forms, procedures, and regulations for the administration of this policy. The Sick Leave Pool Administrator has the authority to request an unscheduled meeting of all committee members if the need arises. After review, the Committee will make recommendations to the Sick Leave Pool Administrator for approval or denial of applications for sick leave pool hours in accordance with the provisions of this policy. The decision of the Sick Leave Pool Administrator to approve or deny a request for sick leave assistance will be final and binding.

B. Sick Leave Pool Committee Membership

A Sick Leave Pool Committee will be established to review requests for leave and recommend awards of sick leave hours to the Pool Administrator. The members of the Sick Leave Pool Committee shall be appointed by the President of STC and shall serve for staggered terms. The Sick Leave Pool Committee shall consist of at least five members with a proportional representation of all eligible employee groups and will meet once a month to review requests submitted to the Office of Human Resources.

Every March, the Sick Leave Pool Committee will determine the amount of sick leave contributions it projects is necessary to maintain the Bank for the coming year. The Committee shall recommend an amount greater than the actual number of sick leave hours awarded to employees in the previous year. If the number of projected sick leave hours is less than the total hours donated from new and continuing members, the Sick Leave Pool Administrator will assess members a minimum of eight hours of sick leave to a maximum of 16 hours of sick leave. This time will be deducted automatically from the member's individual accrued sick leave or vacation leave if available with proper notification being provided to the **member**. The Sick Leave Pool shall strive to maintain a minimum balance

of 7,000 hours and may be revised to the number of employee census or employee's needs.

VI. Processing Requests for Sick Leave Pool Time

The following procedure shall be used to request sick leave pool time:

- a. A member shall complete a Sick Leave Pool application form available in the Office of Human Resources. A participating member may request sick leave assistance when he/she has experienced a catastrophic illness or injury, has exhausted all their paid leave entitlement, and is not eligible to apply for benefits under STC's group long-term disability plan. The member's catastrophic illness or injury must be supported by a physician's statement that certifies the member's inability to work, provides a prognosis for recovery, and provides a projected time for return to work. The member must agree to provide any relevant information in the event verification is required by the Sick Leave Pool Committee.
- b. The completed request form should be returned to the Sick Leave Pool Administrator in the Office of Human Resources. The Sick Leave Pool Administrator or his/her designee shall verify the eligibility of the requestor and forward all request to the Sick Leave Pool Committee.
- c. The Sick Leave Pool Committee shall make a recommendation on a member's request to the Sick Leave Pool Administrator. In the event that one or more of the Committee members are not available to participate in the review, a quorum of the Committee may decide upon a recommendation. The recommendation to the Sick Leave Pool Administrator shall be made and delivered within five (5) working days from the date the Committee meets and reviews the request(s).
- d. The Sick Leave Pool Administrator will notify the employee of his/her decision to approve or deny the request within seven additional working days from the date the recommendation is received.
- e. A member's request for sick leave assistance will not be denied on the basis of pre-existing conditions or reapplication as long as the eligibility criteria is met at the date of each application. The sick leave committee may request recertification of the medical condition by a licensed physician as required by this procedure.

A member who applies for sick leave assistance may request sick leave hours in an amount up to 90 calendar days or 480 hours (based on a 40-hour work week) in any rolling 12-month period. The rolling period is

defined as the month the member requests sick leave assistance and the 11 months immediately preceding the member's request. Subject to the rolling year maximum, sick leave assistance, if approved, may be requested all at one time or it may be requested intermittently if medically necessary. If requested intermittently, a separate request must be made each time sick leave is withdrawn from the Sick Leave Pool and each separate request must meet the eligibility requirements specified, including medical certification.

If a member withdraws sick leave hours from the Sick Leave Pool and is certified by his/her physician to return to work before all the sick leave hours have been used, the remaining balance of awarded and unused sick leave hours will be returned to the Sick Leave Pool. If a member is not able to return to work following utilization of his/her rolling year maximum sick leave assistance time, the member may request an unpaid leave of absence in accordance with STC Policy 4316. This request is for a 12-month period of extended unpaid leave with approval based on the discretion of the STC President and is not a guaranteed extension. If an employee's request is approved for an unpaid leave of absence following utilization of his/her rolling year maximum, the time of unpaid leave of absence will not count toward the member's new rolling year period. That member's new rolling year period will begin in the month that he/she actively returns to work on a full-time, regular basis.

VII. Processing Approved Requests

The Sick Leave Pool Administrator shall provide written notification to the employee informing him/her of their approved request and the amount of sick leave hours to be awarded within seven work days from receipt of the recommendation submitted by the Sick Leave Pool Committee. The notice will inform the employee with a schedule of when their first and last payment of the awarded hours will be issued. A copy of this notification will also be provided to a Human Resources staff member for processing. The employee's sick leave balance will be updated to reflect the number of hours being awarded. The balance will be reduced once a month by the number of hours required to have been worked in that month until the hours are exhausted or until such time the employee has returned to work. In the event that the employee does return to work in any capacity that is eligible to accrue sick leave hours (part-time, three quarter's time, or full-time), the employee's awarded and unused sick leave hours will be returned to the Sick Leave Pool.

The employee's pay will be calculated using the employee's current rate of pay and the number of hours required to work minus the employee's

current rate of pay and the number of awarded sick leave hours. The excess of awarded sick leave hours not used in one month will be carried forward to the next month or until such time as the employee returns to work. A prorated payment will be issued in a month where the number of hours required to work exceeds the number of awarded sick leave hours.

VIII. Employee Terminations

Terminated employees with unused sick leave hours will have their balance reduced to zero.

IX. Change of Employment Status

If a member of the Sick Leave Pool experiences a change in employment from a full-time regular position to a non-qualifying position, he/she will be treated as an employee termination with the unused sick leave hours reduced to zero and donated to the Sick Leave Pool. The employee's membership in the Sick Leave Pool will be terminated effective as of the date of the change in employment status and the employee forfeits any benefits under the Sick Leave Pool. If the employee status change occurs during a time the member has been approved for sick leave assistance, any unused hours from the date of the change in employment status will be returned to the Sick Leave Pool.

X. Exclusions

The sick leave pool is not intended to be used for short-term leave due to routine and non-extraordinary illness, nor is it for time off covered by job-related injuries or illness (Worker's Compensation). Rather, it is intended to be used for prolonged catastrophic illnesses or injuries such as medically necessary surgery, illness or disability which requires hospitalization and/or convalescence or recuperation in an extended care facility or at home while under the care of a licensed physician.

In order to request sick leave assistance from the Sick Leave Pool, the member must have exhausted all of his/her own individual sick and vacation (if applicable) leave. Sick Leave assistance may only be used for a member's own catastrophic illness or injury or for an immediate family member as defined under STC Policy 4308, which includes a son, daughter, parent or spouse of the employee.

XI. Revisions to Procedures

The Sick Leave Pool Administrator reserves the right to make changes to the procedures when a situation or event not addressed in the procedures proves necessary. Any revisions will be communicated to all existing members of the Sick Leave Pool in the month that the revision is made. The revisions will also be communicated to all eligible employees on or before the next scheduled enrollment period. The revision shall be included in the College's Benefit Handbook and issued to each full-time regular employee at the start of the next fiscal year.

Notation only for the first year implementation of the Sick Leave Pool: The Human Resources Director recommends that the Sick Leave Pool task force members serve as the Sick Leave Pool Committee members for the first enrollment and fiscal year term (September 1st – August 31st). Thereafter, the Sick Leave Pool Committee members will be on a voluntary basis to serve a one-fiscal year term with the final approval of the Human Resources Director.

SOUTH TEXAS COLLEGE SICK LEAVE POOL DEFINITIONS

1. A "regular employee" is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half (4.5) months.
2. "Catastrophic illness or injury" means a severe condition or combination of conditions affecting the mental or physical health of an employee or the employee's immediate family. The catastrophic illness or injury shall require the services of a licensed practitioner for a prolonged period of time and shall require the employee to exhaust accrued sick and vacation leave and to lose compensation.
3. "Immediate family" means those persons living in the same household with the employee who are either related to the employee by kinship, adoption, or marriage or are certified by the Texas Department of Protective and Regulatory Services as a foster child of the employee. The immediate family member includes a son, daughter, parent, or spouse of the employee. Immediate family members that are not living in the same household shall be totally dependent upon the employee for personal care services on a continuing basis.

4. "Licensed practitioner" means a person who is licensed to practice in one of the health professions set forth in Paragraph (8) of Article 3.70.2 of the Texas Insurance Code.

5. "Sick Leave Pool Administrator" refers to the Director of Human Resources responsible for administering the Sick Leave Pool.

6. "Sick Leave Pool" or "Pool" means the accumulated sick leave donated by employees for utilization in accordance with this policy.

7. "Sick Leave Pool Committee" refers to the employees serving in a committee of at least five members representative of all eligible employee groups who meet regularly to review applications and recommend awards, serving for a term of one fiscal year (September 1st – August 31st).

SICK LEAVE POOL BENEFIT QUESTIONS & ANSWERS

Q: Who is eligible to join in the sick leave pool?

A: Any full-time employee who accrues sick leave, who has completed 12 calendar months of employment and has a minimum of 72 hours available sick leave at the time of enrollment.

Q: How many hours must I donate?

A: At least 24 hours in the first year of participation and eight hours per year thereafter.

Q: Can I donate more hours than the 24 hours required?

A: Yes, most definitely. Employees who have reached the maximum level are encouraged to donate the hours he/she forfeits each year due to non-use. This amount varies for instructional positions.

Q: Who benefits from the sick leave pool?

A: Only members of the sick leave pool who have donated the minimum required 24 hours of available sick leave can benefit.

Q: If I choose not to join, can I donate my hours to someone who might need extra hours?

A: No, only the employee can use his/her available sick leave hours. The employee can use the hours if their son, daughter, spouse or parents are ill.

Q: If I donate my hours now, can I request the hours back at a future date if needed?

A: No, all donations are nonrefundable.

Q: Who is included in the immediate family?

A: The immediate family includes that person living in the same household with the employee who is either related to the employee by kinship, adoption, or marriage or is certified by the Texas Department Protective services as a foster child of the employee. The immediate family member includes a son, daughter, parent, or spouse of the employee. Immediate family members that are not living in the same household shall be totally dependent upon the employee for personal care services on a continuing basis. This meets the definition of an IRS dependent that you provide more than 50 percent support.

Q: If I have long-term disability insurance, can I participate in the Sick Leave Pool?

A: Yes, as long as you are a full-time employee who accrues sick leave and have completed 12 calendar months of employment and have a minimum of 72.0 hours of available sick leave at the time of enrollment.

Q: If I join, what must I do to apply for benefits from the sick leave pool?

A: Complete a sick leave pool application if **(1)** he/she has experienced a catastrophic illness or injury, **(2)** has exhausted all their paid leave (sick/vacation) and **(3)** is not eligible to apply for benefits under STC's group long-term disability plan. Please note that having long-term disability insurance and being able to apply for benefits are different. The disability policy states that an employee must wait 90 days before applying for benefits. A sick leave pool member could apply for additional sick leave days sooner than 90 days if the other two requirements are not met.

Q: Why do you need my immediate family information?

A: Since a member could apply for benefits if his/her parent, spouse, son or daughter suffered from a catastrophic illness or injury, this information will help determine how many immediate family members may qualify.

Q: If I decline now, when will I have another opportunity to enroll?

A: Enrollment is scheduled twice a year. Each during the entire month of April and October, eligible employees will be allowed enroll. Effective date of membership will be May 1st and November 1st, respectfully.

Q: If I join now, will I have to donate another eight hours in October?

A: No, only 24 hours for the first year of participation. Next April, the member will be required to donate eight hours of available sick leave in order to continue membership for one more year.

Q: Can I submit my form electing to participate without all my immediate family member's information?

A: Yes, the employee will be contacted to provide any omitted information.

Q: When will my donation be charged to my available sick leave balance?

A: All donations will be processed as soon as the form is received during the enrollment periods of April and October.

Q: If I donate available sick leave to the pool, how does this affect me if I'm planning to retire from the Teacher Retirement System of Texas?

A: Effective 9/1/01, any TRS member planning to retire can obtain a maximum of one year of additional service added to his/her service record by forfeiting a minimum of 400 hours of earned yet unused sick leave. By obtaining an additional year of service, the member's percentage of the annual annuity is increased which results in a higher monthly annuity payment. However, if an employee currently has 400 hours of sick leave or is close to it and plans to retire within a year, the donation of 24 hours will not hinder this opportunity of additional service credit since he/she will continue to accrue sick leave and can replace the hours donated.