

31.06.01.R0.01 Sick Leave Pool Administration

Approved May 10, 2024
Next Scheduled Review: May 10, 2029



Procedure Summary

Texas A&M University-Commerce has established and maintains a sick leave pool according to The Texas A&M University System Policy 31.06, *Sick Leave Pool*, and System Regulation 31.06.01, *Sick Leave Pool Administration*.

Procedures and Responsibilities

1 GENERAL

- 1.1 This procedure applies to all eligible A&M-Commerce faculty and staff employees.
- 1.2 The Sick Leave Pool Administrator of A&M-Commerce is the Time and Leave Representative.

2 CONTRIBUTION OF TIME

- 2.1 To contribute sick leave time to the Sick Leave Pool, an employee must submit a form to the Sick Leave Pool Administrator in accordance with prescribed guidelines. Sick Leave Pool forms may be obtained from the human resources office.
- 2.2 An employee may transfer to the pool one day or more of the employee's accrued sick leave. Contributions must be in one-day increments. An employee leaving system employment may designate the number of accrued sick leave hours to be donated to the Sick Leave Pool.
- 2.3 The Sick Leave Pool Administrator credits the sick leave pool with the amount of time contributed by that employee and deducts or directs the deduction of a corresponding amount of time from the employee's sick leave accrual as if the employee had used the time for permissible purposes.
- 2.4 All contributions are voluntary.

3 DIRECT DONATIONS

An employee may donate any amount of the employee's sick leave to another employee if they are:

- 3.1 Currently employed by A&M-Commerce; and
- 3.2 The employee has exhausted their sick leave, including any time the individual has been approved from the sick leave pool.
- 3.3 Some donations may be subjected to tax implications

4 ELIGIBILITY

- 4.1 An employee is eligible to request and receive Sick Leave Pool hours if the employee suffers a catastrophic illness or injury for which the employee:
 - 4.1.1 Is or has been under a licensed practitioner's care; and
 - 4.1.2 Has been absent from work for a prolonged period, a minimum of 80 hours consecutively or intermittently. For part time employees, the requirement of 80 hours is proportional to their percent effort (50% effort = 40 hours missed work).
- 4.2 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 leave time earned by that employee and to lose sick leave compensation from the state for the employee.

Examples of catastrophic illness or injury include:

- Heart attack
- Stroke
- Cancer
- Coma
- Amputations
- Major surgery (for example, heart bypass surgery) or
- Any *life-threatening* illness as determined by a medical doctor.

- 4.3 If the employee's accrued paid leave (any combination of sick leave, vacation and compensatory time) does not cover the 80-hour requirement for the respective catastrophic illness or injury, the employee is in an unpaid status until the balance of the 80-hour requirement is met. Once the requirement is satisfied for the respective catastrophic illness or injury, the employee may request and receive hours from the Sick Leave Pool.
- 4.4 An employee is also eligible to request and receive the return of hours previously donated to the Sick Leave Pool if:

- 4.4.1 The University has a record of the hours that were donated to the Sick Leave Pool;
- 4.4.2 The employee has a current illness or injury that is not catastrophic as described in Section 4.2;
- 4.4.3 The employee has exhausted the employee's accrued sick leave; and
- 4.4.4 The employee will use the previously donated hours of accrued sick leave for absences arising from the current non-catastrophic illness or injury.

5 WITHDRAWAL OF TIME

- 5.1 If requesting to withdraw time because of a catastrophic illness or injury, it is the employee's responsibility to inform their direct manager or supervisor promptly.
- 5.2 An employee who is eligible under Section 3 to request and receive sick leave pool hours must apply for permission to withdraw time from the sick leave pool. Sick Leave Pool forms may be obtained from the pool administrator. Upon approval, the Sick Leave Pool Administrator authorizes the transfer of the approved amount of time from the pool to that employee.
- 5.3 Sick Leave Pool hours must be requested before the hours are needed or as soon as possible.
- 5.4 If requesting to withdraw time because of a catastrophic illness or injury, the employee is required to furnish a medical certification from the licensed practitioner treating the employee or the employee's immediate family member listing the general nature of the illness or injury, the prognosis and expected recovery date supporting the medical necessity of the leave.
- 5.5 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 (but not parent-in-law) of the employee who needs the care and assistance as a direct result of a documented medical condition.
- 5.6 All system restrictions on permissible uses of sick leave apply to the use of Sick Leave Pool hours, and abuse of sick leave is subject to disciplinary action. In no case may Sick Leave Pool hours be used when workers' compensation benefits are payable.
- 5.7 Employees must exhaust all eligible accrued leave before they are eligible to use sick leave hours from the Sick Leave Pool.

5.8 Sick Leave Pool benefits will end upon a full release to work from a licensed practitioner or when the lifetime maximum of (90) days has been reached, whichever comes first. Any unused balance of Sick Leave Pool hours granted to the employee returns to the Sick Leave Pool.

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

5.10 Sick Leave Pool is not an entitlement.

6 SICK LEAVE POOL COMMITTEE

6.1 A committee comprising university personnel will assess individual requests for hours from the sick leave pool that were not approved by the Sick Leave Pool Administrator. The committee will consist of three (3) selected individuals who do not have any conflicts of interest with the sick leave pool applicant.

6.1.1 The committee will operate as an anonymous panel and will not be aware of the applicant's identity or department.

6.1.2 The committee shall determine if the sick pool applicant will be approved or not approved for sick pool leave by the highest total votes.

6.1.3 The decision of the committee is final.

6.2 The Director of Human Resources will notify the applicant and their supervisor of the committee's decision for approval or non-approval for requested Sick Leave Pool days via email.

7 NO ESTATE ENTITLEMENT

The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the Sick Leave Pool.

Related Statutes, Policies, or Requirements

[Tex. Gov't Code 661.021](#)

[System Regulation 31.06.01, Sick Leave Pool Administration](#)

[System Regulation 31.06.02, Sick Leave Donation](#)

[System Regulation 31.03.05, Family and Medical Leave](#)

Definitions

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 leave time earned by that employee and to lose sick leave compensation from the state for the employee; will result in death or is a severely debilitating condition that will result in the individual not meeting the essential functions of the job if not treated promptly or at regularly scheduled intervals; has been designated as terminal, or will require hospitalization for more than 72 consecutive hours. Examples include heart attack, stroke, cancer, coma, or any *life-threatening* illness as determined by a medical doctor. However, elective surgery does not meet this definition.

Eligible Employees - An employee listed in the position identification database in a budgeted position for 50 percent or more time for a period of at least four and one-half months, excluding an employee in a position for which student status is a requirement for employment, is entitled to sick leave with pay. The President is excluded by law from participation in sick leave pools.

Immediate Family - an individual who resides in the same household as the employee and is related by kinship, adoption or marriage; a foster child of the employee who resides in the same household as the employee and who is under the conservatorship of the Texas Department of Family and Protective Services; and a minor child of the employee, regardless of whether the child lives in the same household.

Licensed Practitioner – An individual who is licensed or otherwise authorized by the state to provide health care services.

Sick Leave Pool Committee - A Committee comprising university personnel will assess individual requests for hours from the sick leave pool that were not approved by the Sick Leave Pool Administrator. The committee will consist of three (3) selected individuals who do not have any conflicts of interest with the Sick Leave Pool applicant.

Contact Office

Human Resources
903.886.5080
hr@tamuc.edu