



Handbook of Operating Procedures

Section: 7.6.10
Originally Approved: 10/05/1990
Last Amended: 07/19/2004
Last Reviewed: 07/19/2004
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SICK LEAVE POOL

A. Purpose

The purpose of this policy is to provide a potential source of additional sick leave for those employees who experience a catastrophic illness or injury resulting in the exhaustion of all accrued leave earned and potential loss of compensation from the state.

B. Policy

The University of Texas-Pan American requires employees applying for additional sick leave from the sick leave pool, depending on their particular circumstances, to be placed on leave under the Family and Medical Leave Act which will run concurrently with their requested sick leave. In addition, employees must exhaust all other types of leave and compensatory time before utilizing sick leave from the sick leave pool.

C. Definitions

1. "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 and that requires the services of a licensed practitioner for a prolonged period of time and that requires the employee to exhaust accrued leave and to lose compensation from the State.
2. "Employee" means a regular employee of the University as defined as employed to work at least 20 hours per week for a period of at least four and one-half months, and not employed in a position for which the employee is required to be a student as a condition of the employment.
3. "Immediate family" means an individual related by kinship, adoption, or marriage who lives in the same household; a foster child who resides in the employee's household and is under the conservatorship of the Texas Department Protective and Regulatory Services; and a minor child of the employee regardless of whether the child lives in the same household. Sick leave may be taken to care for members of an employee's family who do not reside in the same households, only if the time taken is necessary to provide care to a spouse, child, or parent of the employee who needs care due to a documented medical condition. This provision for taking leave does not extend to an employee's parents-in-law if they do not live in the same household.
4. "Licensed practitioner" means a person who is licensed to practice in one of the health professions set forth in Paragraph (B) of Article 3.70.2 of the Texas Insurance Code.



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5. "Pool administrator" means the Director of Human Resources, the person appointed to administer 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.

D. Pool Administrator

1. The pool administrator shall adopt forms and regulations for the administration of this policy.
2. The decision of the pool administrator regarding withdrawals from the pool shall be final.

E. Contributing to the Sick Leave Pool

1. An employee who desires to contribute to the pool may do so by submitting a sick leave transfer form to the pool administrator.
2. Contributions to the pool must be in units of eight hours with no restriction on the number of units that employees may contribute each fiscal year. Retiring and terminating employees are also permitted to contribute to the sick leave pool and may do so in increments of less than eight hours.
3. The pool administrator shall credit the sick leave pool with the sick leave contributed by an employee and direct the payroll department to deduct a corresponding amount from that employee's accrued sick leave.
4. Sick leave contributed to the pool may not be designated for the use of a particular person.
5. Although contributions are voluntary, employees who leave state employment should be encouraged to contribute to the pool unless there is a possibility that they will be reemployed by the State within twelve months and thereby eligible to have their sick leave balance restored.

F. Withdrawal of Sick Leave from the Pool

1. Applications to withdraw sick leave from the pool must be submitted on the sick leave pool form. The form must be filed with the pool administrator and must be accompanied by the Medical Practitioner's Certification statement from the licensed



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- practitioner who treated the illness or injury resulting in the exhaustion of the employee's accrued sick leave.
2. The employee should submit his or her application to withdraw sick leave to his or her department for recommendation. The department will forward the application and recommendation to Human Resources.
 3. The application to withdraw sick leave along with the accompanying Medical Practitioner's Certification will be reviewed by a UTPA Health Center physician or Physician's Assistant, who will submit his or her recommendation to the Pool Administrator.
 4. The University of Texas-Pan American may require additional information from the employee's treating physician regarding the employee's application for Sick Leave Pool hours and the Medical Practitioner's Certification. The University of Texas-Pan American also may require the employee to obtain a second opinion from a physician of the University's choice at the University's expense regarding the employee's application for Sick Leave Pool hours. If the University is not provided the required information, the University may deny the Sick Leave Pool request.
 5. The pool administrator will review applications along with the recommendations in the order in which they are received. He or she will approve or deny an application within ten working days after receipt.
 6. An employee is eligible to withdraw sick leave from the pool if the pool administrator finds that the employee will exhaust all paid leave because of a catastrophic illness or injury or because of a previous donation of sick leave hours to the pool.
 7. In determining the amount of sick leave to be assigned to an eligible employee from the pool, the pool administrator shall take into consideration the information contained in the employee's application, the number of applications then pending, and the amount of sick leave available in the pool. In no event shall the sick leave allocated to an eligible employee from the pool exceed 720 hours or one-third of the sick leave pool balance, whichever is less. Upon approval of an employee's application, the pool administrator shall notify the Payroll Department of the amount of sick leave to be assigned to the employee.
 8. The employee may use sick leave assigned from the pool in the same manner as sick leave earned by the employee and shall be treated for all purposes as if the employee were absent on earned sick leave.



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9. The following factors will be considered by the Pool administrator in determining the amount of sick leave pool hours that the employee may withdraw from the pool:
 - a. tenure with the University,
 - b. sustained satisfactory job performance, and
 - c. disciplinary actions.
10. Credited Sick Leave Pool hours that are not used by the employee revert back to the Sick Leave Pool.
11. The estate of a deceased employee shall not be entitled to a payment for unused sick leave assigned from the pool.

G Review

This policy shall be reviewed biennially by the Director of Human Resources.