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#### SICK LEAVE

# A. Purpose

The purpose of this policy is to set forth rules governing employee sick leave.

# B. Persons Affected

This policy applies to all regular employees.

# C. Policy

The policy of The University of Texas-Pan American is to provide paid sick leave to eligible employees in accordance with State law.

# D. <u>Definitions</u>

- 1. Documented Medical Condition. Exists when the employee submits a licensed practitioner's certification to the employee's supervisor as to the nature of the sickness, injury, or confinement due to pregnancy.
- 2. *Employee's Immediate Family*. Includes an individual who resides in the same household as the employee and is related to the employee by kinship, adoption, or marriage; a foster child of the employee who resides in the same household as the employee and who is under conservatorship of the Department of Protective and Regulatory Services; and a minor child of the employee, regardless of whether the child lives in the same household.
- 3. Regular Employee. Includes one who is employed to work at least 20 hours per week for a period of at least four and one half months, excluding students employed in positions that require student status as a condition for employment. For purposes of this policy, faculty employees must be appointed for at least fifty percent (50%) time for at least four and one half  $(4\frac{1}{2})$  continuous months.
- 4. *Sickness or Injury*. For purpose of this policy, includes an absence because of sickness, injury, or pregnancy and confinement.
- 5. *State of Texas Agency*. For purpose of this policy, includes a Texas state institution of higher education.

## E. Responsibilities



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- 1. The employee is responsible for:
  - a. notifying his or her supervisor or having the supervisor notified of the absence from work due to sickness or injury at the earliest practicable time.
  - b. keeping the supervisor informed regarding his/her sickness or injury and expected date of return to work;
  - c. providing the supervisor with necessary documentation in accordance with this policy; and
  - d. recording sick leave absences accurately on his or her timecard.
- 2. The supervisor is responsible for:
  - a. maintaining accurate records of employee sick leave usage;
  - b. obtaining and reviewing necessary documentation from the employee in accordance with this policy;
  - c. verifying monthly timecards for accuracy;
  - d. submitting/approving timecards to Payroll Office by due dates; and
  - e. promptly notifying Human Resources if an employee's absence due to sickness or injury will exceed the employee's sick leave and vacation leave accrued balances so balances so that the proper adjustment(s) may be made to the employee's leave status and pay.

# F. Procedures

- 1. Sick Leave Accrual and Carry Forward
  - a. Regular full-time employees accrue sick leave at the rate of 8 hours per month or fraction of a month of service. Regular part-time employees accrue sick leave in the same proportion as their FTE%.
  - b. Credit for accrual will be given and posted to an employee's sick leave record on the first day of employment and on the first day of each succeeding month of employment. If an employee is on paid leave on the first day of the month, the sick leave accrual will be credited for that month but will not be available for use



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until after the employee returns to work. If an employee is on unpaid leave on the first day of the month, the sick leave accrual will not be credited for that month nor will it be available for use until after the employee returns to work. (*Texas Government Code* 661.202)

- c. An employee who is on unpaid leave for a full calendar month does not accrue sick leave for that month. (<u>Texas Government Code 661.909</u>) Employees called to active duty during a national emergency by a reserve branch of the United States Armed Forces do not accrue sick leave during such service. (<u>Texas Government Code 661.904</u>)
- d. Sick leave accrued but not taken in one fiscal year shall be carried-forward to the next fiscal year without limit.
- e. If an employee changes from a position that is eligible to accrue sick leave, to one that is ineligible to accrue sick leave, his or her sick leave balance shall be "frozen". The employee may resume accruing and using sick leave if the employee returns to a position that is eligible to accrue sick leave.
- f. An employee whose vacation balance at the end of a fiscal year exceeds the maximum which is authorized by law to be carried forward from one fiscal year to the next will receive an adjustment to their sick leave balance. The number of unused vacation hours that can not be carried forward will be credited to the employee's sick leave balance on the first day of the next fiscal year.
- g. Under rules of the Texas Teacher Retirement System (TRS) certain employees, who are members of that retirement system, may convert some of their sick leave to creditable years of service at a cost. Human Resources and the TRS can provide additional information.

## 2. Access to Sick Leave Accrual Balances

Employees may view their sick leave balances via EiS Self-service Time/Vacation/Sick Balances tab. Each employee is responsible for promptly bringing alleged discrepancies in the sick leave records to the attention of his or her supervisor. The supervisor is responsible for promptly reporting any required corrections to the sick leave record to the Payroll Office.

3. Intra-University, Inter-Agency Transfers of Sick Leave



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a. An employee's sick leave balance is not affected by intra-university transfers. The department to which the employee transfers must accept the employee's sick leave balance

b. Employees who transfer to The University of Texas-Pan American from another Texas State agency without a break in employment may transfer their sick leave balances. The University must accept liability for the employee's sick leave balances. Human Resources shall verify employees' sick leave balances by contacting the State agency from which the employees transfer. It shall be the employees' responsibility to assist in the verification process. Accordingly, University employees who transfer to another State agency without a break in service may have his or her accrued sick leave balance transferred by Human Resources to the other State agency.

# 4. Sick Leave Settlements (Death of Employee Only)

The estate of an employee who dies while employed by the University shall be paid 1/2 of the deceased employee's unused sick leave up to 336 hours. Except in cases in which the business of the University would be substantially disrupted as determined by the divisional vice president, sick leave settlements will be paid from the account in which the deceased employee last worked.

# 5. Restoration of Sick Leave Balances

- a. The unused sick leave balance of an employee who separates employment with a State of Texas agency shall be restored if that employee is re-employed by the same agency within twelve months after the end of the month in which the employee separates from state employment provided that the employee has had a break in employment of at least 30 calendar days.
- b. An employee who separates employment with a State of Texas agency and is reemployed by a different State of Texas agency will have their sick leave balance restored if re-employed within 12 months after the end of the month in which the employee separates from State employment.
- c. An employee who is laid off under a bona fide reduction in force policy (see *Handbook of Operating Procedures* Section 7.7.4, Reduction in Force or Section 6.9.1, Academic Program or Position Abandonment) shall have his or her sick balance restored if re-employed within twelve months after the end of the month in which the employee separated from state employment.



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# 6. Taking Sick Leave

- a. An employee may take sick leave when sickness, injury or pregnancy and confinement prevent the employee's performance of duty or when the employee is needed to care for and assist a member of his immediate family who is actually ill. An employee's use of sick leave to care for and assist members of the employee's family not residing in the same household and who are not described in "Employee's Immediate Family" in Subsection D Definitions above is strictly limited to the time necessary to provide care and assistance to a spouse, child, or parent of the employee who needs the care and assistance as a direct result of a documented medical condition.
- b. A regular employee may use up to eight hours of sick leave each calendar year to attend parent-teacher conference sessions for the employee's children who are in pre-kindergarten through 12<sup>th</sup> grade. Employees must give reasonable notice of intention to use sick leave to attend such conferences. (See also *HOP* Section 7.6.5, Authorized Paid Leave)

#### 7. Proof of Illness

- a. Proof of illness is required for all absences of more than three continuous working days. Proof of illness shall be in the form of a doctor's certification stating the cause or nature of the illness, or some other written statement of the facts concerning the illness which is acceptable to the employee's supervisor.
- b. The University reserves the right to require proof of illness for any absence when sick leave of three or fewer days is taken.
- c. The proof of illness should be submitted to the supervisor during the period of absence or immediately upon return to work.
- d. Medical certification that the employee is physically fit to return to work and perform the essential elements of the job may be required. An employee who is found to have used sick leave that is not authorized is subject to disciplinary action up to and including termination.

# 8. Reporting Sick Leave - Staff Employees

Sick leave taken must be reported on the employee's monthly timecard. The supervisor must review and approve the timecard by the due date. The supervisor must maintain the necessary documentation in accordance with this policy.



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- 9. Reporting Sick Leave Faculty Employees
  - a. Each faculty member should report sick leave to the office of the Department Chair.
  - b. Department Chairs report sick leave taken by faculty members in their departments each month, through the Dean's and Provost's Offices, to the Payroll Office.
  - c. In accordance with <u>Texas Government Code 661.203</u>, faculty members must report all sick leave they take if the absence occurs during the normal workday for regular employees, even if no classes are missed.

# G. Review

The Divisional Head for this policy is the Vice President for Business Affairs and this policy shall be reviewed every five years or sooner if necessary by the following Stakeholders:

- 1. Assistant Vice President for Business Affairs/Director of Human Resources-Senior Reviewer
- 2. Assistant Vice President for Academic Affairs
- 3. Director of Payroll and Tax Compliance
- 4. Staff Senate Chair
- 5. Faculty Senate Chair
- 6. Academic Affairs Executive Team