The purpose of this Texas Tech University Health Science Center Operating Policy/Procedure (TTUHSC OP) is to establish policies and procedures for administering the Sick Leave Pool. Texas Government Code Section 661.002 – 661.006 The Sick Leave Pool was created to grant additional sick leave from a pool of hours for eligible employees when they or their immediate family suffer a qualified catastrophic injury or illness.

This HSC OP will be reviewed in July of each odd-numbered year (ONY) by the Vice President / Chief Human Resource Officer (VP/CHRO).

To apply for Sick Leave Pool hours, an employee or representative may apply online (click here for online form) or contact the local HR office or the TTUHSC Human Resource Leave Administrator (HR Leave Administrator) by email at hrleaveadmin@ttuhsc.edu.

**POLICY/PROCEDURE:**

1. **Definition**
   
a. **Catastrophic injury or illness** 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.

b. **Immediate Family** is defined as those individuals related by kinship, adoption, marriage or foster children who are so certified by the Texas Health and Human Services Commission who are living in the same household, or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis.

c. **Licensed practitioner** means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

d. **Prolonged period of time** for the purpose of determining eligibility for the sick leave pool, is an employee being absent from work for the catastrophic injury or illness more than 30 calendar days.

2. **Sick Leave Pool**

   a. **General Provisions**

      1) The Sick Leave Pool (SLP) is intended to assist an eligible employees and their immediate families in dealing with catastrophic injuries or illness that force the employees to exhaust all of their available sick leave; requiring the services of a licensed practitioner for a prolonged period of time (more than 30 calendar days); and causing the employee to lose compensation.

      2) An employee is eligible to participate in SLP is one who:

         - Is employed to work at least 20 hours per week for a period of at least four and one-half months; and
         - Is not employed in a position for which the employee is required to be a student as a condition of the employment.
3) An employee is eligible to use time contributed to the SLP if the employee has exhausted the employee’s sick leave because of:
   - A catastrophic illness or injury; or
   - A previous donation to the pool.

4) An employee must have completed six months of state service to be eligible to utilize the SLP. The maximum amount of sick leave that an employee may use from the SLP is 1,440 hours during all employment at Texas Tech University Health Sciences Center (TTUHSC).

5) Employees with catastrophic illnesses or injuries are not required to contribute to the SLP before they can use SLP leave.

6) Employees who are off work due to a work-related injury or illness and filed notice under the Texas Worker's Compensation Act is not eligible for SLP for that injury or illness.

7) The employee must provide the HR Leave administrator with a Sick Leave Pool Certification of a Licensed Practitioner form from a licensed practitioner who is treating the employee or the employee’s immediate family member that includes sufficient information regarding the illness or injury to enable the HR Leave Administrator to evaluate the employee’s eligibility, the expected duration of the absence, and anticipated date of return to work as a result of the catastrophic illness or injury.

8) Time off following the birth of a child is considered normal regardless of the method of delivery and will not be considered for SLP unless medical documentation shows complications to the mother or the child after the delivery.

9) SLP may not be used for time off for cosmetic surgery except when life threatening conditions arise from them.

b. Contributing Sick Leave to the Pool

1) Contributions to the SLP are strictly voluntary and must be in increments of eight hours, with the exception of a retiring employee who may contribute any unused balance.

2) Active employees with accrued sick leave may contribute any number, in eight hour increments, of their accrued unused days of sick leave to the SLP. Sick leave contributed to the SLP reduces the accrued sick leave balance of the employee making the contribution. Employees contributing sick leave to the SLP may not stipulate who is to receive the contribution.

3) Employees may contribute to the SLP at the time of their separation from employment. They may contribute one or more days of sick leave to the pool in eight hour increments. Employees desiring to contribute sick leave to the SLP should complete a Request to Contribute Sick Leave to the Sick Leave Pool form and route the form through normal administrative channels to the Human Resources Office in Lubbock. Forms are available on the TTUHSC HR website.

4) Employees who contribute sick leave to the SLP, and then use all of their sick leave balance in the same fiscal year, may receive back and use the number of hours contributed to the pool that fiscal year without suffering a catastrophic illness or injury. Otherwise, employees who contribute sick leave to the SLP cannot reclaim it unless a Request for Sick Leave from the Sick Leave Pool application is approved through the normal approval processes.

c. Requesting to Use Leave from the Sick Leave Pool

1) Applying for SLP does not mean you will automatically be approved. The SLP application and the licensed practitioner certification will be reviewed by the HR Leave Administrator to determine if it meets the criteria. An eligible employee may request hours from the SLP by submitting an on-line Request for Sick Leave from the Sick Leave Pool application or contact the HR Leave Administrator via hrleaveadmin@ttuhsc.edu and submit a Sick Leave Pool Certification of a Licensed Practitioner form by fax (806-743-2882) or mail to the TTUHSC Lubbock Human
2) Employees must use all of their accrued sick leave, vacation leave, and holiday comp before utilizing sick leave from the SLP. Employees utilizing hours from the SLP will continue to accrue vacation and sick leave entitlements, but may not use the accrued leave until returning to work following the leave.

3) SLP hours may be requested before the hours are needed or as soon as possible. The retroactive of SLP hours will only be granted 30-days back from the date SLP application was signed or submitted.

4) It is the employee’s responsibility to notify his or her supervisor when he or she applies for SLP and what the expected length of absence will be.

5) SLP benefits cannot be used for an injury, illness, or family member other than the one approved in the SLP application. An employee will not receive more than the maximum allowable SLP hours, in accordance with his or her state service, in any 12-month period. Awarded SLP may be used only for the specific condition approved.

6) State service will be considered when determining the annual maximum leave an employee is eligible to be awarded from the SLP. The following will be considered annual maximums for SLP awards based on an employee’s state service at the time the initial award is granted:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Maximum Eligible Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 6 months but less than 1 year</td>
<td>40</td>
</tr>
<tr>
<td>At least 1 year but less than 2 years</td>
<td>120</td>
</tr>
<tr>
<td>At least 2 years but less than 5 years</td>
<td>240</td>
</tr>
<tr>
<td>At least 5 years but less than 8 years</td>
<td>360</td>
</tr>
<tr>
<td>At least 8 years but less than 10 years</td>
<td>560</td>
</tr>
<tr>
<td>10 years or more</td>
<td>720</td>
</tr>
</tbody>
</table>

7) If intermittent treatment is required for a catastrophic injury or illness, the HR Leave Administrator will only award SLP hours in increments up to 180 hours per application and certification. If additional SLP hours are needed and the employee is eligible for additional hours, the employee must submit a new application and certification in order to receive an additional increment of intermittent SLP hours until all eligible hours have been exhausted. Exceptions to this limit may be made on a case-by-case basis by the CHRO or designee after review of the certification. The use of intermittent SLP must follow the departments’ and/or TTUHSC OP 70.01 Sick Leave call-in procedures.

8) The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the SLP.

9) Intent to return to work is not required for an employee to be eligible for the SLP. However, employees who utilize the maximum hours of approved SLP benefits for which they are eligible for at the time of application must return to work for 12 months following their last day of use of the SLP benefits before they are eligible to apply for additional benefits from the SLP.

10) If an employee has more than one SLP event within a 12 month period, all qualifying criteria and application requirements must be met for each event in order to utilize the available hours.

d. **Administration of the Pool**

1) One SLP will be administered for all eligible faculty and staff employees of TTUHSC. The Chief
Human Resource Officer (CHRO) or his/her designee is responsible for the administration of the SLP.

2) Requests for sick leave from the SLP will be submitted to the HR Leave Administrator. The HR Leave Administrator will have 15 workdays from the date a request form and Licensed Practitioner certification is received in which to approve or deny the request.

3) The HR Leave Administrator will determine the number of hours granted for a catastrophic illness or injury. The amount granted for a catastrophic illness or injury cannot exceed one-third of the total time in the pool or 90 days, whichever is less.

4) HR Leave Administrator will notify the employee and the employee’s department of the hours granted or if denied. SLP hours will be applied to the employee’s Sick Leave Pool leave balance effective on the first work day following expiration of the employee’s earned paid leaves.

5) Decisions of the VP/CHRO relating to the SLP may be appealed to the President of TTUHSC.

e. **Return to Work**

1) Employees returning to work after using SLP hours should contact their department as soon as practical and, at minimum, within five days of notice when return is foreseeable.

2) In cases of leave granted for the employee’s own serious health condition, the employee must provide the department with a complete and sufficient Return-to-work / Fitness-for-Duty certification before returning to work.

3) It is the responsibility of the department and the employee to notify the HR Leave Administrator of any unused SLP hours.

f. **Equal Treatment**

An employee absent on hours withdrawn from the SLP may use the time as sick leave earned by the employee, and the employee is treated for all purposes as if the employee were absent on earned sick leave.

g. **Abuse of Leave**

Malingering and other abuses of SLP will constitute grounds for dismissal from employment.

h. **Right to Change Policy**

TTUHSC reserves the rights to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

**REFERENCES:**

Texas Government Code, Section 661.001- 661.008
Board of Trustees Meeting, Employees Retirement System, October 24, 1989
Texas Insurance Code, Section 1451.001- 1451.505
Texas Human Resources Management Statutes Inventory, 2016-2017