

31.06.01 Sick Leave Pool Administration

Revised [August 19, 2016](#)

Next Scheduled Review: August 19, 2021

Click to view [Revision History](#).



Regulation Statement

Sick leave pools within The Texas A&M University System (system) will be administered in accordance with this regulation.

Reason for Regulation

This regulation provides guidance regarding the administration of member sick leave pools.

Definitions

Click to view [Definitions](#).

Procedures and Responsibilities

1. ESTABLISHMENT

Each member will establish a sick leave pool or participate in a sick leave pool in conjunction with one or more other members.

2. APPLICABILITY

This regulation applies only to an employee who is eligible to participate in a member sick leave pool. An employee is eligible to participate in a member sick leave pool if the employee is 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. Member chief executive officers (CEOs) are excluded by law from participation in sick leave pools.

3. ADMINISTRATION

3.1 Each member CEO that has a sick leave pool will appoint a Sick Leave Pool Administrator who will have the following duties and responsibilities:

- (a) develop and obtain CEO approval of the guidelines for pool operations, including the processing of requests to contribute to or withdraw from the pool and the required administrative approvals;
 - (b) communicate and interpret pool operating guidelines to all employees;
 - (c) design and implement a system of records maintenance for each contributing and withdrawing employee;
 - (d) determine eligibility for withdrawing sick leave from the pool and the amount of time that may be drawn from the pool, and approve the withdrawal based on established guidelines;
 - (e) ensure that all employees eligible for participation in the sick leave pool program are treated consistently and equitably according to established guidelines and without consideration of employee classification or any other legally impermissible reason; and
 - (f) return sick leave pool hours to employees who have exhausted all sick leave and request the return of donated hours.
- 3.2 Sick Leave Pool Administrators will process requests within 10 working days following receipt of all information necessary to make a decision.
- 3.3 Member CEOs may establish an appeal process for sick leave pool allocation decisions.
- 4. CONTRIBUTION OF TIME**
- 4.1 To contribute sick leave time to the pool, an employee must submit a form to the employee's member's Sick Leave Pool Administrator in accordance with prescribed guidelines. Sick leave pool forms may be obtained from the member human resources office.
- 4.2 An employee may transfer to the pool one day or more of the employee's accrued sick leave. Contributions will be in one-day increments. An employee leaving system employment may designate the number of his/her accrued sick leave hours to be donated to the sick leave pool.
- 4.3 The Sick Leave Pool Administrator will credit the sick leave pool with the amount of time contributed by that employee and will deduct or direct 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.
- 4.4 All contributions will be voluntary.

5. ELIGIBILITY

- 5.1 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:
- (a) is or has been under a licensed practitioner's care; and

- (b) 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 will be proportional to their percent effort (50% effort = 40 hours missed work).
- 5.2 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.
- 5.3 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 will be 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 receive hours from the pool.
- 5.4 An employee is also eligible to request and receive the return of hours previously donated to that member's sick leave pool if:
- (a) the member has a record of the hours that were donated to that member's sick leave pool;
 - (b) the employee has a current illness or injury that is not catastrophic as described in Section 5.2;
 - (c) the employee has exhausted the employee's accrued sick leave; and
 - (d) the employee will use the previously donated hours of accrued sick leave for absences arising from the current non-catastrophic illness or injury.

6. WITHDRAWAL OF TIME

- 6.1 An employee who is eligible under Section 5 to request and receive sick leave pool hours must apply to the appropriate Sick Leave Pool Administrator for permission to withdraw time from the sick leave pool. Sick leave pool forms may be obtained from the member human resources office. Upon approval, the Sick Leave Pool Administrator will authorize the transfer of the approved amount of time from the pool to that employee.
- 6.2 Sick leave pool hours must be requested before the hours are needed or as soon as possible.
- 6.3 If requesting to withdraw time because of a catastrophic illness or injury, the employee will be required to furnish a statement 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. Members may require employees to use a specific form for this purpose.

- 6.4 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.
- 6.5 All system restrictions on permissible uses of sick leave apply to the use of sick leave pool hours, and abuse of sick leave will be subject to disciplinary action. In no case may sick leave pool hours be used when workers' compensation benefits are payable.
- 6.6 The employee must use the time in the same manner as sick leave earned by the employee in the course of employment. Sick leave pool time may be used for a continuous absence or for intermittent or part-time absences if all other requirements of this regulation are met.
- 6.7 An employee must first use any sick or vacation leave the employee accrues while on sick leave pool leave if the employee is eligible to use such sick or vacation leave. For example, if an employee is on leave (in the case of sick leave) or paid leave (in the case of vacation leave) on the first workday of a month, the employee is not eligible to use sick or vacation leave accrued that month until the employee returns to work. If an employee does not use all sick leave pool hours, the unused time will be returned to the pool.
- 6.8 For each illness or injury approved for sick leave pool time under Section 6.1, the Sick Leave Pool Administrator may authorize the transfer of up to one-third of the total amount of time in the pool or a maximum of 90 working days, whichever is less.
- 6.9 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.
- 6.10 When an employee transfers to another state agency, including another system member, sick leave time donated to the pool may not be transferred to the new agency.

7. EQUAL TREATMENT

- 7.1 An employee absent on sick leave through the sick leave pool will be treated for all purposes as if the employee were absent on earned sick leave.
- 7.2 All employees who are eligible will have equal access to the pool. Decisions to allocate pool resources to employees who are eligible will be equitable, consistent, and without regard to employee classification or any other legally impermissible reason.

8. NO ESTATE ENTITLEMENT

The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the sick leave pool or previously donated to the pool.

Related Statutes, Policies, or Requirements

[System Regulation 31.03.01, Vacation](#)

[System Regulation 31.03.02, Sick Leave](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

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