

SICK LEAVE POOL

Pool Administration

The Commissioners Court has established a program to allow employees to voluntarily contribute on an annual basis, sick leave time earned by the employee to a County-wide sick leave pool (the “Sick Leave Pool” or “SLP”) that the employee is then eligible to use if, because of a catastrophic injury or illness, the employee has exhausted all the accrued paid leave and compensatory time to which the employee is otherwise entitled. Commissioners Court has appointed the County Director of Human Resources as the Pool Administrator (“Administrator”).

Catastrophic Injury or Illness

A catastrophic illness and/or injury is defined as a condition or combination of conditions affecting the mental or physical health of the employee or immediate family member that has been under prolonged treatment of a licensed practitioner for at least 30 days which is likely to result in a loss of more than 10 consecutive work days for the employee. Leave taken on an intermittent basis which does not require the employee to be absent from work for a period of at least 10 days does not qualify. The physician certification must be included in the employee’s request for use of time from the SLP.

Eligibility and Contributions to the SLP

“Employee” means a district, county, or precinct employee with 12 or more months of continuous employment with the district, county, or precinct who is paid from the general fund of the County, from a special fund of the County, or from special grants paid through the County.

In order to be able to use the SLP, eligible employees must meet all three of the following criteria:

- Contribute to the SLP each year during the annual leave contribution period as designated (generally December) on the designated form; for new employees, within 31 days of the date they complete 12 months of continuous service; or within 31 days after the adoption of this policy.
- Contribute at least one day (8 hours), but no more than five days (40 hours), of accrued sick leave time earned by the employee. An employee who is terminated, resigns, or retires may donate not more than 10 days (80 hours) of accrued sick time to take effect immediately before the effective date of the termination, resignation, or retirement.
- Employees who contribute sick leave must have a remaining balance of at least ten (10) days (80 hours) of sick leave in their account immediately after making the donation.

The Administrator shall credit the SLP with the amount of time contributed by the employee and shall permanently deduct the same amount of sick leave time from the employee, as if the employee had used the sick leave time for personal purposes. Employee contribution of sick leave to the SLP is final.

Requesting Time from the SLP

1. An employee who has contributed to the SLP must apply to the Administrator on the designated form for permission to use time in the County SLP. Employees not enrolled in the SLP are not eligible to receive sick leave time from the SLP.
2. If an employee is physically unable to complete the designated form for sick leave from the SLP, his/her Department Head may submit the form on the employee’s behalf.

3. The employee must have exhausted all the accrued paid leave and compensatory time to which the employee is otherwise entitled before being eligible to request time from the SLP.
4. The SLP may be used only by employees for his/her personal illness or disability or for a family member whose illness or injury meets the guidelines of the SLP.
5. All hours used will count towards the employee's FMLA entitlement. The amount of leave donations and the amount of leave accrued cannot exceed the amount of time allowed under the FMLA.
6. If the Administrator determines that the employee's request meets the requirements, the Administrator shall approve the transfer of sick leave from the SLP and credit the time to the employee as needed.
7. The employee may use the time in the same manner as sick leave earned by the employee in the course of employment.
8. An employee absent on sick leave transferred from the SLP is treated for all purposes as if the employee were absent on earned sick leave.
9. An employee requesting time from the SLP must not have a written record of disciplinary and/or corrective action for leave abuse or misuse of leave within the past twelve (12) months.

Exclusions

- Elective surgery does not qualify as a catastrophic illness or injury. If complications arise resulting in a serious health condition, the situation may qualify as a catastrophic illness or injury.
- SLP time is not available for time off due to a job-incurred injury covered by Workers' Compensation benefits.
- Pregnancy in and of itself, is not a catastrophic illness or injury.

Maximum Leave

The Pool Administrator shall determine the exact amount of time that an employee may be allocated from the SLP. The amounts allocated may be given in increments as determined by the Pool Administrator, but in total cannot exceed the lesser of the following in a plan year:

- 60 days (480 hours) of time, or
- 1/3 of the total amount of time available in the SLP at the time of the request.

Confidentiality

All information received under this policy shall be kept confidential as required by law.

Compliance with Other Policies

All SLP usage, including returns to work, shall be in compliance with County policy and procedures.

Conformance with the Law

If changes to the law or applicable regulations require changes to the provisions of this policy, this policy shall be deemed amended as of the effective date of the law or regulation to be in conformance thereof.