

POLICY: SICK LEAVE

SCOPE: FACULTY AND STAFF

POLICY NUMBER: 4.2

REVISED: November 2005; April 2014

1. PURPOSE

The purpose of the sick leave benefit is to protect the employee's income during periods of bona fide illness or injury, to the employee or members of the employees immediate family, and which require the employee to be absent from work. It is also designed to protect other employees from being exposed to contagious diseases. All employees are expected to work if their health permits and to remain at home if it does not.

Sick leave may be used when an employee is prevented from performing his or her job due to sickness, injury, or pregnancy and confinement. It may also be used to care for an immediate family member who is ill. "Immediate family" is defined as:

- individuals related by kinship, adoption, or marriage who live in the same household
- foster children who reside in the same household
- minor children regardless of whether they live in the same household

Sick leave may be used to care for immediate family members who do not reside in the same household only because of a documented medical condition. In this instance only, "immediate family" is interpreted as spouse, parent, or child. (Texas Government Code, Section 661.202 (e))

2. ACCURAL

An employee accrues sick leave beginning on the first day of state employment and ending on the last duty day of state employment. Duty day means an employee's last physical day on the job.

An employee who is on leave the first day of the month may not use that month's accrual until he or she returns to duty.

An employee accrues sick leave at a rate of eight hour per month (or proportionately for part-time employees). Employees employed by multiple agencies cannot accrue sick leave at a rate that exceeds that of a full-time, 40 hour per week employee. Sick leave accumulates with the unused amount carried forward each month, and there is no limitation on the amount which may be accrued.

Sick leave is earned each month the employee is on the payroll. Employees on leave without pay, and nine month faculty will not earn sick leave during any full calendar month when they are not on the payroll.

3. UTILIZATION

Any employee absent because of illness must notify his/her supervisor as soon as possible.

An absence of more than three days requires the employee to provide their supervisor with a doctor's certification, or a written statement of the facts surrounding the absence and the nature of the illness. Where indicated by circumstances (see following paragraph), the supervisor may request a doctor's certification for sick leave of any duration. In addition, the supervisor may request a doctor's certification as to the employee's fitness to return to normal duties. Normal utilization of sick leave benefits should not interfere with overall productivity of the department.

Therefore, it is appropriate that corrective steps be taken if an employee abuses sick leave (e.g., calls in sick when absent for non-health related reasons), or if an employee has prolonged and/or frequent and regular absences which substantially hinder the employee in carrying out required duties and responsibilities.

Corrective steps may include medical consultations, counseling, disciplinary warnings, and can eventually lead to termination.

Employees who exceed their accrued sick leave will be required to use any accrued vacation or compensatory time. When all accrued leave is exhausted, the employee will be placed on leave without pay (LWOP). An F3.2 must be generated placing the employee on LWOP for the appropriate time. An employee may use sick leave while he or she is on annual leave. The employee may be required to submit a doctor's certification that confirms the illness and the employee may be required to submit a fitness for duty certification.

Sick Leave Records for Faculty

Faculty members are required to submit prescribed leave forms for all sick leave taken if the absence occurs during the normal workday for regular employees, even if no classes are missed. (Texas Government Code, Section 661.203)

There is no authority to pay out an employee's accrued but unused sick leave balance upon termination. Sick leave may be used for the adoption of a child under the age of three.

4. RESTORATION OF SICK LEAVE BALANCES

An employee who is restored to state employment following military service is entitled to have his or her sick leave balance restored.

If an employee transfers to another state agency without a break in service, the accumulated sick leave balance shall be transferred to the hiring agency.

Employees who separate from state employment under a formal reduction in force are entitled to have their sick leave balances restored if they are re-employed by the State within 12 months.

Employees separated for reasons other than a formal reduction in force and re-employed by the same state agency may have their sick leave balances restored only if:

- The employee is re-employed by the same institution of higher education within 12 months after the end of the month in which the employee separates from state employment, but only if there has been a break in employment with the State of at least 30 calendar days; or
- The employee is re-employed by a different state agency or institution of higher education within 12 months after the end of the month in which the employee separates from state employment.

5. PAYMENT FOR DECEASED EMPLOYEE

The estate of a deceased employee is entitled to receive payment for one-half of the employee's sick leave balance or 336 hours, whichever is less. The amount paid to the estate will be based on the employee's compensation rate at the time of death. Any state holiday that falls within this period shall not be charged against the accrued leave hours.