

Sick Leave Policies

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Sponsoring Department: Human Resources

Revision Date: 21 August 2013

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Contents

- I. Eligibility
 - II. Accrual
 - III. Records
 - IV. Utilization
 - V. Death of Employee
 - VI. Sick Leave Pool
 - VII. Exceptions
 - VIII. Employee Separation
 - IX. Request of Sick Leave
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I. Eligibility

Employees who are appointed to work twenty hours or more per week and for at least four and one half months are eligible for paid sick leave from the first day of employment. Teaching and research assistants and associates, assistant instructors and work study students are not entitled to sick leave (Faculty members began accruing sick leave as of 09-01-1977).

II. Accrual

Sick leave will be accrued at the rate of eight hours per month for full time service. Part time regular employees will accrue a proportionate amount of sick leave based upon the percentage of employment. Employees shall receive their full sick leave entitlement for each month or partial month actually worked regardless of the date of employment or termination. There is no maximum amount of paid sick leave that may be accrued.

- A. An employee who transfers from another State of Texas agency or institution without an interruption in employment will be credited with any accrued sick leave as certified in writing by the agency or institution from which the employee has transferred.
- B. No employee may accrue sick leave while in an ineligible status (e.g., any leave without pay).
- C. If an employee goes on paid leave (e.g., vacation, sick, or compensatory leave) following his/her last day of duty, does not return to duty, and subsequently

separates from state employment, the employee is not entitled to leave accruals while on such paid leave for any calendar month(s) following the month in which the last day of duty occurs.

However, if an employee goes on paid leave which extends into a subsequent month(s) and later returns to duty, then upon return, the employee is entitled to vacation and sick leave accruals for the month(s) the employee was on paid leave. These accruals should be posted to the employee's leave record immediately upon return to duty.

- D. A retired state employee who returns to state employment is eligible for sick leave accruals. The accrual rate will be proportionate amount based on the retiree's percent of time.

III. **Records**

It is the responsibility of each department head to maintain accurate and current sick leave records for each eligible employee, and appropriate sick leave reports shall be submitted monthly to the Office of Human Resources.

IV. **Utilization**

- A. Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty or when the employee is needed to care and assist a member of the immediate family who is actually ill, who is living in the same household and is related by kinship, adoption, or marriage, including foster children certified by the [Texas Department of Family and Protective Services \(DFPS\)](#). Minor children of the employee, whether or not living in the same household, will be considered immediate family for purposes of sick leave. 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 of the employee who needs such care and assistance as a direct result of a documented medical condition. An employee who must be absent from duty because of illness shall notify his supervisor or cause the supervisor to be notified of that fact at the earliest practicable time.
 - 1. Paid sick leave does not extend to an employee's parent-in-law, if the parent-in-law does not live in the same household.
 - 2. An employee who is the father of a child may use his sick leave in conjunction with the child's birth, only if the child is actually ill; or to care for his spouse while she is recovering from labor & delivery. Physician's statement is required, if absent more than three days.
 - 3. An employee may use sick leave in conjunction with FLMA for the adoption of a child under three years of age, regardless of whether or not the child is actually ill at the time of adoption.

B. Parent-Teacher Conferences and Educational Activities applies to an employee who is a parent of a child who is a student attending a grade from pre-kindergarten through 12th grade. An employee may use up to eight hours of sick leave each calendar year to attend Parent-Teacher conference sessions and Educational activities for the employee's children.
An employee may use up to eight hours of sick leave each calendar year to attend school-sponsored activities, including parent-teacher conference, tutoring, a volunteer program, field trip, classroom program, a school committee meeting, an academic competition, athletic, music, or theater program.

1. An employee shall give reasonable advance notice of the employee's intention to use the sick leave to attend a parent-teacher conference or a school-sponsored activity.
2. "Employee" must be in a regular status with sick leave eligibility.
3. "Parent" means a person standing in parental relation, foster parents and guardians.

C. University employees under teaching contracts and not regularly employed during the summer are not eligible to use accumulated sick leave during the summer months.

D. In the event of an on-the-job injury to an employee which results in lost time, the employee may elect to use accrued sick and/or vacation leave during the one week waiting period before WCI benefits go into effect. If the person chooses not to do this, the person will be placed on a leave without pay status for that week. Employees shall not receive WCI benefits while on a paid status with the university.

If an employee has been injured on the job the employee will be required to use accrued leave (sick leave, vacation or compensatory time) for follow-up doctors' appointments. This does not apply to employees on WCI leave while receiving workers' compensation benefits.

E. Sick leave with pay shall be granted only when the employee applies for it through the supervisor or administrative officer of the unit. In order to be eligible for sick leave with pay, the employee must report promptly to the supervisor the reason for his/her absence.

F. The employee shall keep their supervisor informed of his/her condition whether the employee is utilizing sick leave accrual or whether they are on a leave without pay. The university, at its discretion, may require employees to submit a doctor's statement for any absence due to illness or injury. In situations requiring continuous absence of more than three (3) working days, a doctor's statement will be required. The employing department will maintain such documentation as an official university document. The university may also require proof, before returning to work, that the employee is physically fit to resume duties.

Any employee who is found to have taken sick leave under false pretenses is subject to discharge.

- G. An employee, whose sick leave balance is insufficient to cover additional absences, will then utilize accrued vacation leave before being placed on a leave without pay provided the employee has completed his or her six month probationary period.

An employee shall not be allowed to carry a negative sick leave balance.

- H. Employees will not receive payment for unused allowance of sick leave at the time of separation.

V. **Death of Employee**

In the event of the death of an employee who has accrued sick leave balance, the estate will be paid for one half of the accrued sick leave balance or for three hundred thirty six hours of sick leave, whichever is less, provided the employee has had continuous employment with the university or an agency/institution of the State of Texas for at least six months. The payment will be computed as though the employee had actually used the hours while on the university's payroll. If an official state holiday falls within this period, the number of days for which the estate is entitled to be paid is increased by the number of holidays that come within this period. The payment shall be calculated at the rate of compensation being paid the employee at the time of his or her death.

A full day of paid sick leave will be applied on the day that death occurs, regardless of the time of death, provided that day is a work day.

If death occurs on the first day of a month, premium sharing will be applied to cover all or a portion of the insurance premiums regardless of whether or not the first of the month is a regular working day.

VI. **Sick Leave Pool**

An employee eligible for paid sick leave can petition to use the sick leave pool for his/her own catastrophic illness or injury for the catastrophic illness or injury of his/her immediate family upon exhausting all paid leave, including vacation and compensatory time. Refer to *Sick Leave Pool* ([Procedure 3-38](#)), for further details.

VII. **Exceptions**

Exceptions to the amount of sick leave an employee may take can be approved by the President or designee only after review of each individual case.

VIII. **Employee Separation**

Employees separated from employment with the state under a formal reduction in force policy shall have their sick leave balance restored, if reemployed by the state within twelve months of their termination.

If the employee separates from state employment for reasons other than a reduction in force and is employed during the twelve months following the end of the month in which they separated, the employee is also entitled to reinstatement of sick leave unless reemployed by the same state agency or institution.

If an individual is reemployed by the same state agency/institution there is a requirement that the employee have a break in service of thirty calendar days before sick leave can be restored.

The components of The University of Texas System are considered separate state agencies. Therefore, an employee who leaves one component and is reemployed by another component after a break in service of at least one workday is entitled to have their leave balance restored, if reemployed anytime within twelve months following the end of the month in which they separated.

IX. **Request of Sick Leave**

All regular employees, including faculty members of the university, **must** request the use of sick leave in writing or by completing the department's request for leave form, even though no classes were missed, if the absence occurred during the normal work day for regular employees.