

8.09 SICK LEAVE POOL

1. PURPOSE AND DEFINITION

Purpose

The purpose of the Sick Leave Pool is to provide additional paid sick leave to members of the Pool in the event they are unable to report to work due to a catastrophic illness or injury. Members may apply for sick leave from the Pool only after the member has exhausted all accrued paid leave to include sick leave, comp time, personal time, vacation leave, and excess holiday leave balances.

Commissioners Court reserves the right to amend, change, or delete this policy at any time, with or without notice.

Definitions

Catastrophic Illness or Injury: A Catastrophic illness or injury is considered to be any personal illness, injury or physical or mental condition suffered by the employee or a member of the employee's immediate family that involves continued treatment by a medical care provider for chronic or long-term medical conditions that are incurable or so serious that the employee has been absent from his or her place of work on paid leave, accrued compensatory time, or leave without pay for a period of ten (10) consecutive calendar days due to the catastrophic illness or injury. Immediate family is defined as the employee's spouse, child or children, parent, step-parent, or any other relative of the employee who resides in the employee's household and/or is dependent on the employee for care.

Donation: Refers to the act of an eligible employee voluntarily giving three (3) days (24 hours) the first year and continuing contributions per year of a minimum of one (1) day or up to five (5) days.

Donation Upon Termination: Any employee may donate up to 80 hours (10 days) of his/her accrued sick leave time to the Sick Leave Pool upon separation from county employment.

Eligible Employee: A regular full-time employee with at least twelve (12) months of continuous employment with the county is eligible to become a member of the Pool.

Member: A member of the Pool is an eligible employee who has contributed at least three (3) days the first year, and a minimum of one (1) day every continuous year to the Pool.

Withdrawal: Refers to the act by a member of the Pool applying for sick leave from the Pool due to a catastrophic illness or injury. The maximum number of days that can be awarded to any one member of the Pool is thirty-one (31) days per year. The Pool may not award more than 1/3rd of the balance on the sick leave pool bank or 31 days, whichever is less.

Definition of Sick Leave Days for Members

Sick leave days from the Pool are those days granted to a member who is unable to work or is absent from work to care for his/her immediate family due to a catastrophic illness or injury.

For purpose herein, "Pool" will refer to The Austin County Employees Sick Leave Pool.

2. MEMBERSHIP

Eligibility

All full-time employees exempt or non-exempt with 12 months of service with Austin County shall be eligible for membership. Participation is voluntary; however, an employee must be a member of the Pool in order to be able to withdraw sick leave hours from the Pool.

Procedures for Joining the Sick Leave Pool

Any employee who is eligible to join the Sick Leave Pool may do so by contributing three (3) days of the employees accrued sick leave.

Employees desiring to join the Pool shall complete the Membership form and submit it to Human Resources. Pool membership will be held in January.

3. REGULATIONS CONCERNING CONTRIBUTION OF DAYS

To become a member of the Pool, an employee must contribute three (3) days from his or her accrued sick leave for the current year or after completing one (1) full year of continuous service.

To remain a member of the Pool, an employee must continue to contribute per year a minimum of one (1) day or up to five (5) days, but no more than the maximum of five (5) days of their own accrued sick leave to the Pool. Annual contributions will be in January.

These days will be subtracted from the member's local sick leave record.

The days donated become the property of Austin County Sick Leave Pool. ALL DONATIONS WILL REMAIN IN FORCE AND CANNOT BE RETURNED EVEN UPON CANCELLATION OF MEMBERSHIP.

Personnel who terminate their employment with the County forfeit membership in the Pool at the effective date of termination. Neither the employee nor the employee's estate shall have any claim to any hours in the Pool, including those hours originally donated by the employee. If the employee wishes to regain membership in the Pool upon his/her return to the county, three (3) days must again be donated.

Personnel on approved leave of absence will retain membership in the Pool and will not be required to donate additional days.

4. MAINTAINING MEMBERSHIP

To maintain your membership in the pool, an employee must contribute a minimum of one (1) day or up to five (5) days and annual contributions will be in January.

5. AWARDING DAYS FROM THE POOL

Sick leave days from the Pool will be awarded only after the member has exhausted all accumulated sick leave, vacation leave, holiday leave, comp time balances, and other paid leave balance.

Days from the Pool shall be awarded only for a catastrophic illness or injury. Sick Leave Pool shall be awarded only for absences from working days and will not be awarded for holidays, vacation days or other such days

An employee receiving Workers' Compensation benefits will not be covered by Sick Leave Pool.

Sick Leave Pool awards will not be authorized for illness or disability resulting from self-inflicted injury

The amount of sick leave available for withdrawal by an eligible Pool member is the lesser of: the number of hours needed to cover the Pool member's absences as indicated by the Physician's Statement, 31 day maximum (248 hours), or no more than 1/3rd of the balance than its members have contributed.

If a request to draw upon the Pool is for other than consecutive days of illness, a separate request, including a physician's statement on the required forms, may be submitted for each overall period of illness if the initial physician's statement is not sufficient for intermittent pool withdrawals.

All requests to draw upon the Pool must be accompanied by the appropriate Physician's Statement, signed by the physician, confirming actual treatment, the cause of illness, certifying the existence of a disability to perform assigned duties and length of absence.

A Member will lose the right to utilize the benefits of the Pool by:

- Termination of Employment at Austin County
- Cancellation of participation by the member on the proper form at any time
- Attempted abuse of the Pool and or its policies
- Refusal to continue required annual contributions

6. PROCEDURES FOR APPLYING FOR SICK LEAVE DAYS

Should the member be unable to report to work due to a catastrophic illness or injury necessitating the need for additional day's after all accumulated sick leave days have been used, the member may submit a request for days from the Pool.

The employee or the employee's personal representative can request an award of time from the Sick Leave Pool by submitting a completed application to Human Resources. The application should be submitted thirty (30) days before the hours are needed, or as soon as possible after the need arises.

Completion of the attending physician's statement which includes:

- Identification of the nature of the catastrophic illness or injury
- Date of initial onset of this particular condition
- Anticipated date eligible to return to work on a full or part-time basis

The Sick Leave Pool Committee may refuse to consider an application that does not contain the required information.

If a member is critically ill and unable to file an application for sick leave days from the Pool, the Elected Official or Department Head may initiate the application form at the request of the family by notifying Human Resources.

Employee accrues no sick time while on Sick Leave Pool.

Time starts to accrue when employee brings return to work slip from doctor to Human Resources. The Department Head will notify Human Resources when the employee returned to work and if the employee did not use all the awarded sick leave pool, the unused balance will be returned to the Sick Leave Pool.

County Treasurer will credit the unused hours awarded to the Sick Leave Pool. The employee's time sheet will be adjusted to reflect the transfer.

7. SICK LEAVE POOL ADMINISTRATION

Name

For purpose herein, "Committee" will refer to the governing committee, which will approve or disapprove all requests for sick leave pool and shall be called "The Austin County Sick Leave Pool Committee."

Composition of Membership of Sick Leave Pool Committee

The Commissioners Court to designate that the administrator of the Austin County Sick Leave Pool shall be a committee, consisting of the County Judge, Director of Human Resources and a representative(s) to be designated by the County Commissioners Court. All information reviewed and discussed will be held in the strictest confidence by all committee members.

The Committee shall be responsible for reviewing applications and medical certification forms submitted by Pool members.

The Committee shall be responsible to maintain accurate records of membership in the Pool, document deposits and withdrawals from the Pool and shall strictly follow all Pool guidelines as set forth by this policy. No deviation from these guidelines shall be allowed, except by action of Commissioners Court.

Duties and responsibilities of the Sick Leave Pool Committee

All applications for Sick Leave Pool shall be reviewed individually by the Committee in a called meeting.

A member may be requested to appear before the Committee to substantiate his or her case.

The Committee shall determine the number of days approved up to thirty-one (31) days and reserves the right to approve, disapprove, or modify the days requested.

A member may appeal the decision of the Committee by writing a letter to the Executive Officer requesting to appear in person before the Committee.

The County Judge shall serve as Executive Official, Human Resources shall serve as the Executive Officer of the Sick Leave Pool Committee and the County Treasurer will process all approved sick leave days for members (donations, awards and returning unused time to the Pool). If disapproved, the reasons for disapproval will be included.

The decision of the Committee will be final.

8. USE OF SICK LEAVE POOL FOR IMMEDIATE FAMILY

To make the Pool a more significant benefit for Austin County employees, the Committee has included the immediate family. This has necessitated stricter guidelines to protect the Pool and the County from the excessive use of sick leave days.

Purpose

To provide additional sick leave days for members whose immediate family has suffered catastrophic illness or injury. See Definition of Immediate Family.

Definition of Immediate Family

The term "immediate family" is defined in section 3.05 EMPLOYMENT OF RELATIVES (Nepotism Charts) of the policy manual.

All regulations pertaining to the use and award of sick leave pool will also be applied to the catastrophic illness or injury of the immediate family member.

Regulations that pertain to the use of the Pool for members of the family:

The maximum number of days that may be granted to an employee for use of a family member with a catastrophic illness or injury is fifteen (15) days per occurrence with a maximum of thirty (31) days, but no more than 1/3rd of the balance than its members have contributed.

Upon a unanimous vote of the Sick Leave Pool Committee, the Committee may provide to a member thirty (31) additional days or fifteen (15) additional days for the illness of an immediate family member in extreme hardship cases.

3.05 EMPLOYMENT OF RELATIVES (NEPOTISM CHARTS)

Texas Government Code Chapter 573, a Public Official of Austin County is prohibited from hiring a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over.

A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)

