

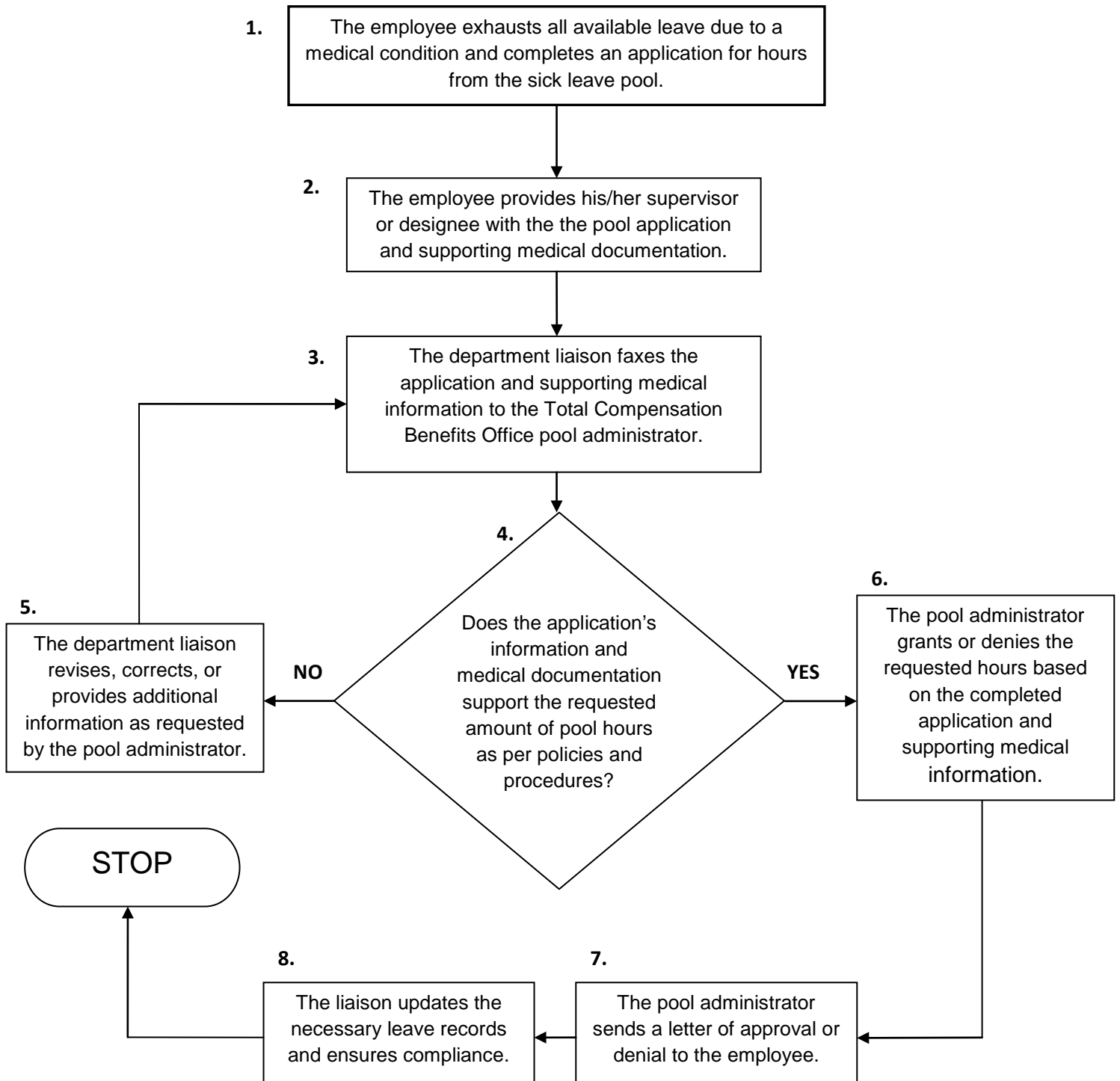
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## Sick Leave Pool: Flowchart and Instructions

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Please follow these guidelines when considering an application to the university's sick leave pool. A flow chart of the instructions on this page may be found in page 2; pool procedures relating to a difficult pregnancy or childbirth may be found on pages 3 and 4; guidelines regarding the prohibition of retroactive pay may be found on page 5.

- 1. The employee exhausts all available leave due to a medical condition and completes an application for hours from the sick leave pool.**  
*The employee or the department may initiate this first step. Generally, the department will initiate this step on the employee's behalf.*
- 2. The employee provides his/her supervisor or designee with the the pool application and supporting medical documentation.**  
*The employee must apply for pool hours through his/her department, as the department is responsible for maintaining employee leave records.*
- 3. The department liaison faxes the application and supporting medical information to the Total Compensation Benefits Office pool administrator.**  
*This step must be taken as soon as is possible due to policies which prohibit retroactive pay from the sick leave pool. Requests not submitted in a timely manner may result in the delay or denial of pool requests (please see page 5).*
- 4. Does the application's information and medical documentation support the requested amount of pool hours as per policies and procedures?**  
*The pool administrator will review the application to ensure the request meets policy requirements for further processing.*
- 5. The department liaison revises, corrects, or requests additional information as per instructions from the pool administrator.**  
*The pool administrator will contact the liaison if additional information or corrections are necessary. Supplemental medical information may be required if a physician's statement needs clarification. The liaison will fax the revised or supplemental information to the pool administrator for further review.*
- 6. The pool administrator grants or denies the requested hours based on the completed application and supporting medical information.**  
*The pool administrator will grant or deny requested sick pool hours based on policies, procedures, and medical documentation provided by the employee.*
- 7. The pool administrator sends a letter of approval or denial to the employee.**  
*The pool administrator will send an electronic letter of approval or denial to the employee through the department leave administrator. The administrator is responsible for providing the employee with the letter of approval or denial.*
- 8. The liaison updates the necessary leave records and ensures compliance.**  
*The liaison will add the granted hours to the employee's available leave balances upon receipt of the approval letter and ensure compliance while the hours are used. A letter of denial, if generated, will describe the reasons for the denial. **Important:** Granted pool hours may not be added to the employee's sick leave balances until the approval letter is received.*



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## Sick Leave Pool: Pregnancy and Childbirth

Human Resources has developed procedures to consider when and if a grant of pool hours is appropriate where a condition of pregnancy exists. Section 6.9 of System Regulation 31.06.01, Sick Leave Pool Administration, states:

*“For purposes of this regulation, pregnancy will not be treated as a catastrophic illness except when severe illness and prolonged complications arise with respect to either the mother or the child.”*

### Prolonged Complications, Defined

- *Complications regarding the mother:* Documented medical complications of pregnancy which cause the mother to miss work in excess of the required waiting period (160 hours for full-time employees, 80 hours for 50%-effort employees, etc.) before the delivery of the child.
- *Complications regarding the Child:* Documented medical complications which require the mother or father to care for the child due to problems before, during, or after childbirth.

Please see the examples given below regarding sick leave pool eligibility and complications involving the mother and child.

### Pool Review Process Considerations

With respect to section 6.9 and the definitions listed above, the following items will be taken into consideration during the pool review process for conditions during pregnancy and/or childbirth:

- Regarding complications due to pregnancy
  - a mother who does not meet the required waiting period before the birth of the child is not eligible to receive pool hours unless she is medically unable to return to work within six weeks of the child’s birth; and
  - a mother who is unable to return by that time may be eligible to receive pool hours beginning six weeks after delivery.
- Employees must meet all appropriate pool eligibility requirements, including the completion of the 160-hour waiting period.
- A delivery by cesarean section will be considered to be a “routine” delivery and will not be eligible for consideration of pool hours unless medical documentation shows there are complications with respect to the mother or child.

### Example 1: Complications Regarding the Mother

Medical documentation shows that the mother is expected to deliver on November 3. However, medical documentation shows that the mother has high blood pressure and is placed on bed rest on September 22 (approximately six weeks before the due date). The child was delivered on November 5; records show that the employee met the 160-hour waiting period on October 13.

- The employee is eligible for pool hours beginning on October 13.
- Pool eligibility will end when medical documentation shows she is able to return to work, her allocation of pool hours is exhausted, or other circumstances are such that pool eligibility is no longer available according to policy.

### **Example 2: Complications Regarding the Mother**

Medical documentation shows that the mother is expected to deliver on December 2. The mother, a full time employee, has missed a total of 80 hours of work due to her complications from pregnancy as of November 30. She delivers as expected on December 2; however, her condition will not allow her to return to work until January 27, eight weeks after the delivery of her child. In this instance, the mother

- is not initially eligible for pool hours upon the date of delivery, as she did not meet the required waiting period of 160 hours of missed work time before the delivery of her child; and
- may be eligible for pool hours beginning January 13 (six weeks after the delivery) through January 26.

### **Example 3: Complications Regarding the Child**

Medical documentation shows that an unborn child has a severe medical condition and must be delivered by cesarean section three weeks before the projected due date.

- Pool hours will be considered after the employee exhausts her leave and the 160-hour waiting period is met; projected due dates are not considered in cases such as this, as the mother is now needed to care for her ill child (regardless of whether or not the child has been delivered).
- Pool hours may be extended wherever a physician's statement shows the mother is needed to care for her child.

Human Resources recognizes that some circumstances involving the sick leave pool and a difficult pregnancy are complex and may need to be reviewed on a case-by case basis; therefore, these guidelines are only general in nature. Please contact us in the event you have additional questions pertaining to the sick leave pool and pregnancy/childbirth. An application that is not submitted in a timely manner to Human Resources may be denied by the administrator due to prohibitions against retroactive pay from the sick leave pool.

#### **NEED HELP?**

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## Sick Leave Pool: Retroactive Pay

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System Regulations prohibits retroactive pay from the sick leave pool. Section 4.3 of System Regulation states:

*“Sick leave pool hours must be requested before the hours are needed or as soon as possible. State law prohibits the retroactive granting of sick leave or sick leave pool hours.”*

The Texas A&M University System Office of General Counsel provides additional clarification on the definition of retroactive pay in a memorandum dated April 27, 1999:

*“The granting of sick leave pool hours can only go back as far as the beginning of the current pay period, i.e. the pay period during which the application was granted. There is some flexibility that can be applied when a doctor has not submitted the requested documentation or the pool administrator has not acted quickly, but such flexibility can only go back to the beginning of the current pay period.”*

Given this information, employees requesting pool hours must be diligent when reviewing their individual paid leave balances and potential sick leave pool needs. Department liaisons and appropriate staff must remain in timely contact with Human Resources when submitting SLP applications and evaluating the potential need of pool hours for their employees. Employees and departments who fail to submit a pool application in a timely manner to Human Resources risk having the applicant’s hours denied due to prohibitions against retroactive pay from the sick leave pool.

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