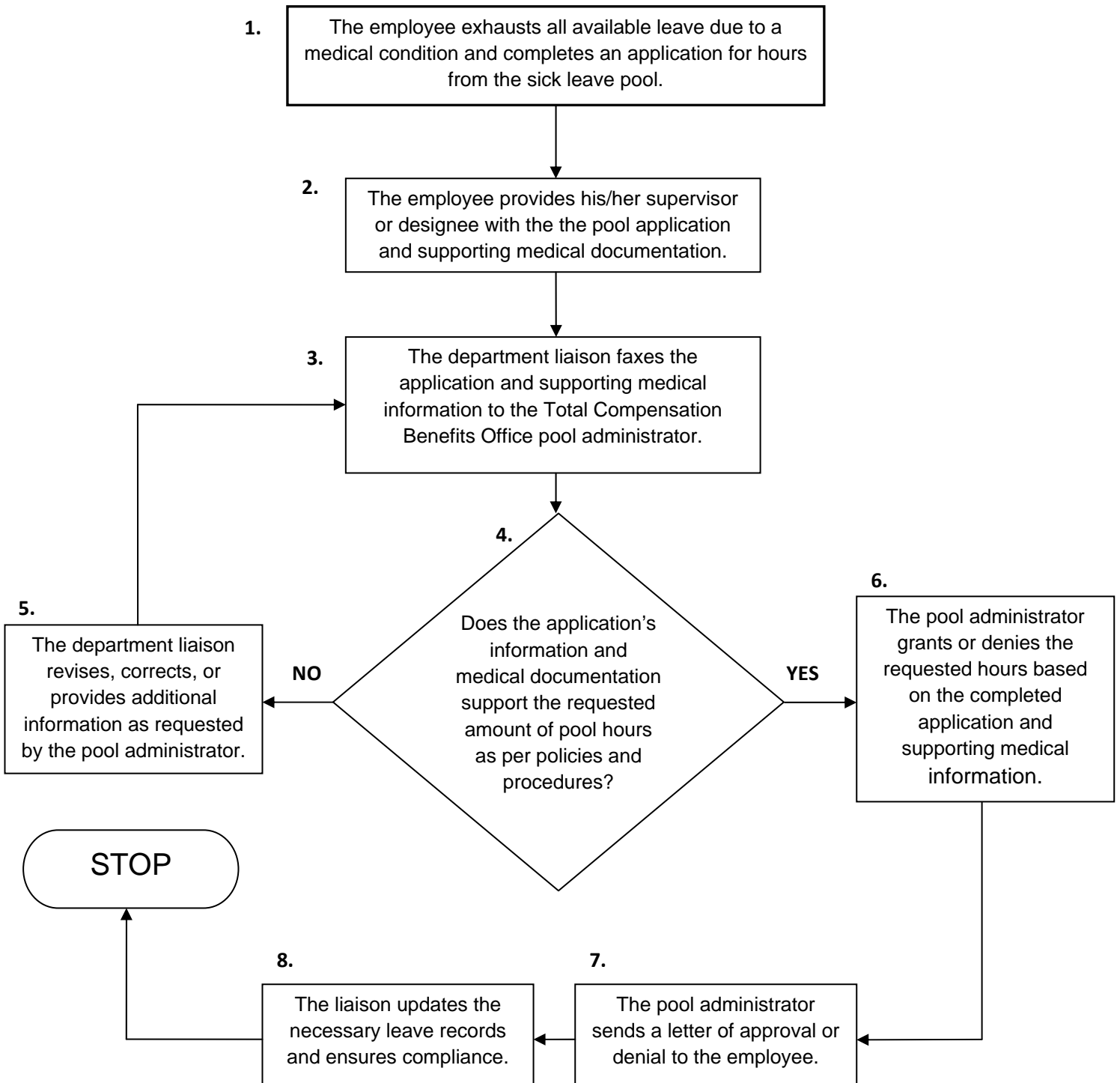


Sick Leave Pool: Flowchart and Instructions

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

- *Regarding the Mother:* Documented medical complications which place a mother out of work before an estimated date of delivery and/or do not allow a mother to return to work within six weeks after the date of birth. As described in more detail below, this “normal” recovery period will not be considered for pool hours in cases involving a mother’s condition during pregnancy or childbirth. Please see the example on page 4 regarding the sick leave pool and a complication involving the mother.
- *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 example on page 4 regarding the sick leave pool and a complication involving the 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:

- Necessary time off where the mother is unable to work for a period of six weeks from the date of birth is considered to be “normal” and imminent, regardless of whether or not medical complications are present; therefore, the six-week period after birth will be considered to be normal time off and will not be considered for pool hours in those cases involving a mother’s medical condition (please see example on page 4).
- 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 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, the physician states that the mother has high blood pressure and places her on bed rest (approximately six weeks before the due date) on September 22. The child was delivered on November 5. The liaison determines that the employee meets the 160-hour waiting period on October 13.

- The employee is eligible for pool hours from October 13 through November 4.
- The employee is not eligible for pool hours from November 5 (the date of birth) through December 17, as time off during this six-week recovery period is expected and is considered to be part of the time off normally needed after a delivery.
- The employee may be eligible for additional pool hours in the event she would not be medically able to return to work after December 17 (six weeks after the date of birth).

Example 2: 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.

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Sick Leave Pool: Retroactive Pay

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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