Sick Leave Pool Administration Manual

An Administrator’s Practical Guide to The Sick Leave Pool Process
at
Texas A&M University

HR Benefit Services
Phone: 979-862-1718
Email: hrcompbenefits@tamu.edu
Fax: 979-847-8546
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td>2</td>
</tr>
<tr>
<td>2. Pool Administrator / Liaison Responsibilities</td>
<td>3</td>
</tr>
<tr>
<td>3. Supervisor / Manager Responsibilities</td>
<td>3</td>
</tr>
<tr>
<td>4. Employee Responsibilities</td>
<td>3</td>
</tr>
<tr>
<td>5. Sick Leave Flowchart and Instructions</td>
<td>4</td>
</tr>
<tr>
<td>6. Pregnancy and Childbirth</td>
<td>6</td>
</tr>
<tr>
<td>7. Retroactive Pay</td>
<td>7</td>
</tr>
<tr>
<td>8. The 180 - Hour Limit per Pool Application</td>
<td>7</td>
</tr>
<tr>
<td>9. The Sick Leave Pool and The Family and Medical Leave Act</td>
<td>8</td>
</tr>
</tbody>
</table>
1. Introduction

The sick leave pool (SLP) is a leave benefit established to provide a source of additional paid sick leave for employees who have exhausted available sick, vacation, and compensatory time as a result of a catastrophic illness or injury. Pool benefits are made available through voluntary donations of sick leave hours from current and retiring employees.

This manual is designed to provide administrators with practical guidance on issues and procedures pertaining to SLP benefits at Texas A&M University. The guidance and information provided in this manual is not intended to serve as official Texas A&M University policy, but is intended to assist in the application of pool procedures where appropriate.

Administrators who have questions pertaining to the pool are encouraged to contact Human Resources to assist with any concerns that may arise in their respective areas.

2. Pool Administrator / Liaison Responsibilities

The duties of a pool administrator will vary according to each department, but the main duties will most likely consist of, among others:
- monitoring the leave balances of employees out on extended medical leave in order to assess the potential need for pool benefits;
- informing management and employees on pool procedures where necessary;
- processing pool donations from current and retiring employees;
- communicating with Human Resources if questions arise regarding SLP issues; and
- providing Human Resources with the necessary forms in a timely manner so that pool hours may be processed.

3. Supervisor and Management Responsibilities

Supervisors and managers must inform the pool administrator or HR Liaison of an employee’s potential need for pool hours so that the employee can utilize the pool benefit in a timely manner.

4. Employee Responsibilities

Employees have responsibilities to fulfill if s/he wishes to receive sick leave pool benefits. In general, employees must
- provide sufficient information, usually a certification form, in a timely manner so that the department may review applicable leave for pool eligibility;
- assist the department’s Human Resources Liaison with information when requested; and
- adhere to the stipulations of the physician’s notes and forms.

An employee’s failure to provide any information relative to the pool in a timely manner may result in the delay or denial of pool benefits.
5. 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 will be found in page 5; pool procedures relating to a difficult pregnancy or childbirth may be found on pages 6; guidelines regarding the prohibition of retroactive pay may be found on page 7.

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. The department must initiate this step if the employee is on FMLA leave (see page 6).

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.
1. The employee exhausts all available leave due to a medical condition and completes an application for hours from the sick leave pool.

2. The employee provides his/her supervisor or designee with the pool application and supporting medical documentation.

3. The department liaison faxes the application and supporting medical information to Benefits Services.

4. Does the application’s information and medical documentation support the requested amount of pool hours as per policies and procedures?
   - NO
   - YES

5. The department liaison revises, corrects, or provides additional information as requested by the pool administrator.

6. The pool administrator grants or denies the requested hours based on the completed application and supporting medical information.

7. The pool administrator sends a letter of approval or denial to the employee.

8. The liaison updates the necessary leave records and ensures compliance.

STOP
6. Pregnancy and Childbirth

Human Resources has developed general 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 which cause the mother to miss in excess of 30 working days (a cumulative 240 hours for full-time employees, 120 hours for 50%-effort employees, etc.) due to the condition of pregnancy. The 240-hour missed time requirement, which may be intermittent, will include work time missed before and/or after the birth of the child. For purposes of the sick leave pool, routine appointments (especially the regular appointments scheduled before the birth of the child) will not be considered as time missed toward the 240-hour requirement.

Complications regarding the Child: Documented medical complications which require the mother or father to care for the child due to medical issues before, during, or after childbirth. The standard 20-day waiting period (a cumulative 160 hours for full-time employees, 80 hours for 50%-effort employees, etc.) will be required before access to the pool can be considered.

Fathers who are required to care for the mother as a result of the mother’s pregnancy complications must provide appropriate medical documentation and must meet the standard 160-hour missed time requirement before the sick leave pool may be considered.

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 a high blood pressure condition and is placed on bed rest on September 22 (approximately six weeks before the projected due date). The child was delivered on October 28, and the updated physician’s statement released her to work on December 17.

- The 30-day missed time requirement will begin on September 22, the date in which the physician placed the mother on bed rest.
- The employee is eligible to apply for pool hours beginning on November 3, the 31st working day missed due to the documented complications.
- The pool hours will end on December 16, the work day prior to the the physician’s projected return-to-work date.
Example 2: Complications Regarding the Mother
Medical documentation shows that the mother is expected to deliver on April 8 and is placed off of work by her physician on April 2. By that date (April 2), the mother, a full time employee, had already missed a total of 80 intermittent hours of work (or 10 working days) due to her complications from pregnancy. Her intermittent, off-and-on leave began on January 7. She delivered her child as expected on April 8; an updated physician’s statement released her to work on May 24.

- The 30-day missed time requirement will begin on January 7, the date in which the employee began to miss work intermittently due to her condition.
- The employee is eligible to apply for pool hours beginning on April 30th, the 31st working day missed due to the documented complications.
- The pool hours will end on May 21, the work day prior to the physician’s projected return-to-work date.

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 prior to the projected due date.

- Pool hours will be considered after the employee exhausts her leave and the 160-hour waiting period is met.
- Pool hours may be extended wherever a physician’s statement shows the mother is needed to care for her child.

The standard 160-hour waiting period will apply, as this case is an example of a mother needing to care for her child (not for reasons of childbirth).

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.

7. 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.”

Given this information, employees requesting pool hours must be diligent when reviewing their individual paid leave balances and potential need for pool hours. Liaisons must make sure they submit timely requests to the pool administrator. 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.

Exception: Retroactive pay from the pool may be granted to a Family and Medical Leave Act (FMLA) – eligible employee if the department failed to ensure the employee had prompt access
to sick leave pool benefits while on FMLA leave. Employees who fail to meet pool requirements or who otherwise fail to provide sufficient medical information for pool purposes are not eligible for retroactive pay from the pool.

8. The 180 - Hour Limitation Per Pool Application

Although eligible employees may receive up to 720 pool hours per condition, each application is limited to 180 hours. This procedure will ensure that the granted hours are easier to control in the event an employee’s medical condition changes or the recipient's employment status changes with the University. Exceptions to this limit may be made as a request to the pool administrator.

9. The Sick Leave Pool and The Family and Medical Leave Act

Texas A&M University’s established procedures are such that employees who are on Family and Medical Leave (FMLA) must be given prompt access to pool benefits once s/he meets pool requirements.

This procedure is allowed under Title 29 of the FMLA Code of Federal Regulations, § 825.209 (h):

“An employee’s entitlement to benefits other than group health benefits during a period of FMLA leave (e.g., holiday pay) is to be determined by the employee’s established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).”

Other pool procedures and information regarding FMLA leave are as follows:

1. Department administrators must monitor the leave balances of employees on FMLA leave and should promptly initiate pool paperwork for those who fall into a FMLA leave without pay status.

2. FMLA eligible employees are entitled to full pool benefits throughout the duration of their FMLA leave, provided they continue to present the necessary medical documentation. Retroactive pay from the pool may be granted to a FMLA – eligible employee if the department failed to ensure the employee had prompt access to sick leave pool benefits while on FMLA leave.

3. If applicable, an employee’s first request for pool hours will not be extended beyond his/her FMLA exhaustion date. This procedure will ensure greater control of pool hours in the event the applicant's job status or medical condition changes.

Contact Information
Texas A&M University
Human Resources, Benefit Services
750 Agronomy Road Suite 1201 | College Station, TX 77843
Mail: Stop 1255 | Fax: 979-862-3128
Phone: 979-862-1718 | Email: hrcompbenefits@tamu.edu