Sick Leave Pool Administration Manual

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

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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.

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 or emails the application and supporting medical information to Benefit Services.
   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
     - 5. The department liaison revises, corrects, or provides additional information as requested by the pool administrator.

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

5. STOP

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

7. The pool administrator sends a letter of approval or denial to the employee.
6. 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.

7. 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.

8. 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.

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