

Chapter: Leave, Time and Attendance	<b>Effective Date: 7/15/14</b>
<b>Title: Sick Leave Pool</b>	Page: 1 of 5
ACA: N/A	Replaces: PRS.28.08, 12/1/11

(a) **Policy.**

The Texas Juvenile Justice Department (TJJD) establishes a sick leave pool as a benefit for eligible employees. Contributions to the sick leave pool are voluntary. The pool is administered by the human resources director or designee in accordance with state law and this policy.

(b) **Resources.**

The following resources contain additional information regarding the sick leave pool.

- (1) [PRS.11.01, Exit Process](#) – This policy contains the provisions relating to sick leave pool donations by employees separating from TJJD employment.
- (2) [PRS.11.05, Death of an Employee](#) – This policy contains the provisions relating to unused sick leave pool hours upon an employee's death.

(c) **Definitions.**

Except as noted below, see the PRS glossary for definitions of certain terms used in this policy.

- (1) **Catastrophic Illness/Injury** – A severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family member. The severe condition(s) must:
  - require the services of a licensed practitioner for a prolonged period of time (see minimum timeframes below);
  - force the employee to exhaust all of his/her paid leave and lose compensation from TJJD; and
  - result from **one or more** of the following:
    - a life-threatening physical illness or injury;
    - an extreme, debilitating physical illness or injury;
    - a serious mental illness.
- (A) **Life-threatening physical illness or injury** – a physical illness, injury, or condition that:
  - is expected to cause premature death if not successfully treated; **and**
  - for at least 20 workdays within a 12-month period:
    - has prevented or is expected to prevent the employee's performance of work duties; or
    - has required or is expected to require the employee's absence to care for and assist a member of the employee's immediate family.
- (B) **Extreme, debilitating physical illness or injury** – a physical illness, injury, or condition that:
  - involves serious weakening of the body's energy, strength, or ability to carry on with activities of daily living; **and**
  - for at least 20 workdays within a 12-month period:
    - has prevented or is expected to prevent the employee's performance of work duties; or
    - has required or is expected to require the employee's absence to care for and assist a member of the employee's immediate family.

(C) **Serious mental illness** – a mental illness that requires:

- at least three consecutive days of inpatient treatment; **and**
- additional outpatient treatment for at least 20 workdays within a 12-month period that:
  - has prevented or is expected to prevent the employee's performance of work duties; or
  - has required or is expected to require the employee's absence to care for and assist a member of the employee's immediate family.

(2) **Immediate Family Member** – The following persons are considered members of an employee's immediate family for the purpose of sick leave pool eligibility:

- (A) an individual residing in the same household as the employee and related to the employee by kinship, adoption, or marriage;
- (B) an employee's foster child who resides in the same household as the employee and who is under the conservatorship of the Texas Department of Family and Protective Services; and
- (C) an employee's spouse, child, or parent, regardless of whether the individual lives in the same household as the employee.

(3) **Licensed Practitioner** – a practitioner or physician licensed by their respective state or county.

(d) **Pool Administrator's Responsibilities.**

The pool administrator:

- (1) ensures that a process is in place to credit the sick leave pool with the amount of sick leave contributed by an employee and deducts a corresponding amount of time from the employee's earned sick leave;
- (2) promptly reviews and denies or approves all properly completed requests and appeals of denied requests to withdraw hours from the sick leave pool; and

Note: The pool administrator should approve or disapprove a request or appeal within ten workdays after receipt.

- (3) determines the number of hours an employee may withdraw from the sick leave pool.

(e) **Withdrawals from the Sick Leave Pool.**

(1) **Eligibility to Withdraw Non-Donated Hours.**

To withdraw sick leave pool hours that the employee did not donate, the employee must:

- (A) have at least one year of TJJJ service from his/her last TJJJ hire date;
- (B) have exhausted all paid leave;
- (C) need additional sick leave hours for his/her catastrophic illness/injury or an immediate family member's catastrophic illness/injury; and
- (D) not be receiving benefits through TJJJ workers' compensation insurance.

(2) **Eligibility to Withdraw Previously Donated Hours.**

An employee is eligible to withdraw sick leave hours that he/she has donated to the sick leave pool since his/her last hire date if he/she:

- (A) has not already withdrawn the sick leave hours;
- (B) has exhausted all paid leave; and
- (C) needs to withdraw the donated sick leave hours for an absence that would qualify for the use of accrued sick leave. A catastrophic illness/injury is not required.

(3) **Withdrawal Limitations for Non-Donated Hours.**

- (A) For each catastrophic injury/illness, a full-time employee may receive up to one-third of the sick leave pool balance or the number of hours identified in the table below, whichever is less.

Years of Service from Last Hire Date*	Maximum Number of Non-Donated Pool Hours
1+ Year	240 Hours
5+ Years	280 Hours
10+ Years	320 Hours
15+ Years	360 Hours
20+ Years	400 Hours
*Determined based on last hire date with TJJD (or predecessor agencies)	

- (B) If the employee requests fewer hours than the maximum allowed and then requires additional hours, the employee must reapply for additional sick leave pool hours.
- (C) If an employee is requesting leave on an intermittent basis (e.g., for chemotherapy treatments), the employee must use all paid leave accruals each month before using granted sick leave pool hours.
- (D) The maximum hours that may be granted to a part-time employee are:
  - (i) in proportion to the employee's regular weekly work hours; and
  - (ii) rounded up to a whole-hour increment.

(4) **Procedures for Submitting a Withdrawal Request or Appeal.**

- (A) To request hours from the sick leave pool, the employee must submit the form(s) listed in the table below to the local human resources administrator (HRA) or designee at least 10 workdays before exhausting all paid leave balances unless circumstances prevent submission by this deadline.

Type of Request	Form(s)
Request to Withdraw Non-Donated Hours	<ul style="list-style-type: none"> <li>• <a href="#">Sick Leave Pool Withdrawal Request form, HR-115a</a>;</li> <li>and</li> <li>• <a href="#">Sick Leave Pool Withdrawal Request Supplement (Certification of Licensed Practitioner) form, HR-115b</a></li> </ul>
Request to Withdraw Previously Donated Hours	<ul style="list-style-type: none"> <li>• Sick Leave Pool Withdrawal Request form, HR-115a</li> </ul>

- (B) To appeal a disapproved request, an employee must submit the forms listed in the table below to the local HRA or designee within five workdays after receiving the disapproved HR-115a form.

<b>Type of Disapproved Request</b>	<b>Form(s)</b>
Request to Withdraw Non-Donated Hours	<ul style="list-style-type: none"> <li>• <a href="#">Appeal of Disapproved Sick Leave Pool Withdrawal Request form, HR-115c</a>; and</li> <li>• A newly-completed <a href="#">HR-115b form</a> from the same licensed practitioner who completed the original HR-115b form</li> </ul>
Request to Withdraw Previously Donated Hours	<ul style="list-style-type: none"> <li>• Appeal of Disapproved Sick Leave Pool Withdrawal Request form, HR-115c</li> </ul>

**(5) Procedures for Processing a Withdrawal Request or Appeal.**

- (A) The local HRA or designee reviews the forms for completeness and emails a scanned copy of the forms to the leave coordinator.
- (B) The leave coordinator:
- (i) reviews requests in the date order received and appeals upon receipt;
  - (ii) verifies the employee meets the length-of-service criterion and the forms have been properly completed;
  - (iii) forwards the forms to the pool administrator;
  - (iv) monitors the review status to help ensure prompt approval or disapproval;
  - (v) provides the local HRA with a copy of the approved or disapproved [HR-115a](#) or HR-115c via email or in person; and
  - (vi) transfers any approved hours from the sick leave pool to the employee's leave balance.
- (C) The local HRA or designee:
- (i) emails a scanned copy of the approved or disapproved HR-115a or HR-115c to the employee or mails a copy if email is unavailable; and
  - (ii) files a copy of the approved or disapproved HR-115a or HR-115c in the employee's confidential personnel file.

**(6) Unused Sick Leave Pool Hours.**

- (A) When the employee returns to work or no longer needs intermittent leave for medical purposes, the local human resources office notifies the leave coordinator of any unused sick leave pool hours.
- (B) The leave coordinator ensures that the unused sick leave pool hours are credited to the sick leave pool and removed from the employee's sick leave balance.

(f) **Sick Leave Pool Donations by Active Employees.**

(1) **Limitations.**

- (A) An employee who is not separating employment must have a sick leave balance greater than 240 hours to donate sick leave hours to the sick leave pool. Only hours in excess of the 240-hour balance may be donated.
  - (i) A full-time employee's donation must be an eight-hour increment.
  - (ii) A part-time employee's donation must be:
    - (I) in proportion to his/her monthly sick leave accrual; and
    - (II) rounded up to a whole-hour increment.
- (B) The donating employee may not designate a particular employee to receive the donated hours.
- (C) Except as outlined in (e)(2) and (4), there is no other means for an employee to reverse a donation to the sick leave pool.

(2) **Donation Process.**

- (A) The employee provides a completed [Sick Leave Pool Donation form, HR-117](#), to the local HRA or designee.
  - (B) The local HRA or designee emails a scanned copy to the leave coordinator.
  - (C) The leave coordinator:
    - (i) approves or disapproves the donation;
    - (ii) deducts the donated hours from the employee's sick leave balance and adds the hours to the sick leave pool balance if the donation is approved; and
    - (iii) provides a copy of the HR-117 to the local HRA for filing in the employee's confidential file.
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