

**1. Title**

Sick Leave Pool

**2. Rule and Regulation**

Sec. 1 Introduction. Pursuant to *Texas Government Code* [Section 661.002](#) the Board of Regents is required to establish a program to allow a University of Texas System employee to voluntarily transfer previously earned sick leave to a sick leave pool. All institutions of the U. T. System shall establish and maintain a sick leave pool except for those institutions for which the Board of Regents has adopted a comprehensive leave policy in accordance with *Texas Education Code* [Section 51.961](#). The Chancellor, or his or her designee, shall administer the sick leave pool. The Board of Regents is required to adopt rules and prescribe procedures relating to the operation of the sick leave pool.

Sec. 2 Sick Leave Pool Administrator. An administrator designated by the president shall administer this policy at each institution and at the U. T. System Administration by a pool administrator designated by the Chancellor.

2.1 Regulations. The administrator shall adopt forms and regulations appropriate for administration of this rule.

2.2 Withdrawals. The decision of the administrator regarding withdrawals from the sick leave pool shall be final.

Sec. 3 Sick Leave Pool. The U. T. System sick leave pool shall consist of the sick leave voluntarily contributed by employees.

3.1 Contributions. Contributions to the pool must be in units of eight (8) hours. Employees are permitted to contribute an unlimited number of hours to the sick leave pool. Retiring employees are also permitted to contribute to the sick leave pool and may do so in increments of less than eight (8) hours.

3.2 Crediting of Sick Leave. The pool administrator shall credit the sick leave pool with the sick leave contributed by an employee and shall direct the human resources office to deduct a corresponding amount from that employee's accrued sick leave.

- 3.3 Non-designation of Use. Sick leave contributed to the pool may not be designated for the use of a particular person.
- 3.4 Encouragement to Contribute. Although contributions are voluntary, employees who leave State employment should be encouraged to contribute to the pool, unless there is a possibility that they will be reemployed by the State within twelve months and thereby eligible to have their sick leave balance restored.

Sec. 4 Withdrawal of Leave. Applications to withdraw sick leave from the pool must be submitted on the form prescribed by the pool administrator. An application must be filed with the pool administrator and be accompanied by a statement from the licensed physician who treated the illness or injury that resulted in the exhaustion of the accrued annual and sick leave of the employee making the application. The pool administrator will consider applications in the order in which they are received and will approve or deny an application within ten (10) working days after receipt.

- 4.1 Eligibility. An employee is eligible to withdraw sick leave from the pool if
  - (a) the employee has exhausted the employee's sick leave because of a catastrophic illness/injury or a previous donation of time to the pool; and
  - (b) the employee, or a member of the employee's immediate family, has suffered a catastrophic illness or injury.
- 4.2 Amount Assigned. In determining the amount of sick leave to be assigned to an eligible employee from the pool, the pool administrator shall take into consideration the information contained in the employee's application, the number of applications then pending, and the amount of sick leave available in the pool. In no event shall the sick leave allocated to an eligible employee from the pool exceed ninety (90) days or one-third (1/3) of the sick leave pool balance, whichever is less. Upon approval of an employee's application, the pool administrator shall

notify the human resources office of the amount of sick leave to be assigned to the employee.

- 4.3 Use of Sick Leave. The employee may use sick leave assigned from the pool in the same manner as sick leave earned by the employee and shall be treated for all purposes as if the employee were absent on earned sick leave.
- 4.4 Deceased Employees. The estate of a deceased employee shall not be entitled to payment for unused sick leave assigned from the pool.
- 4.5 Use of Sick Leave. Sick leave may be taken to care for members of an employee's family who do not reside in the same household only if the time taken is necessary to provide care to a spouse, child, or parent of the employee who needs care due to a documented medical condition. Sick leave may not be taken to care for an employee's parents-in-law if they do not live in the same household as the employee.

### **3. Definitions**

Catastrophic Illness or Injury - a severe condition or combination of conditions affecting the mental or physical health of an employee or the employee's immediate family requiring the services of a licensed physician for a prolonged period of time and requires the employee to exhaust accrued leave and to lose compensation from the State.

Employee - an eligible employee of the U. T. System or any of the institutions. An eligible employee is defined as employed for at least 20 hours per week for a period of at least four and one-half months, and not employed in a position for which student status is required as a condition of the employment.

### **4. Relevant Federal and State Statutes**

*Texas Government Code*, [Chapter 661, Subchapter A](#) – State Employee Sick Leave Pool

*Texas Education Code* [Section 51.961](#) – Leave Provisions for Employees

**5. Relevant System Policies, Procedures, and Forms**

None

**6. Who Should Know**

Employees

**7. System Administration Office(s) Responsible for Rule**

Office of Human Resources

**8. Dates Approved or Amended**

[Regents' Rules Revision History](#)

**9. Contact Information**

Questions or comments regarding this Rule should be directed to:

- [bor@utsystem.edu](mailto:bor@utsystem.edu)