Supplemental Agenda
#1

# SICK LEAVE POOL PROGRAM POLICY

**(Simplified Version)**

## PURPOSE

To establish a voluntary program, which authorizes Commissioners Court to create a Sick Leave Pool Program (SLP) for County employees. The Sick Leave Pool (SLP) provides additional sick leave time to Wise County (County) Employee Members in the event of a non-work related Catastrophic Illness or Injury that prevents an employee from performing their essential job functions during active employment. Time may be granted from the SLP only after the employee has used ALL leave time and has met all other requirements.

## DEFINITIONS

1. **CATASTROPHIC ILLNESS or INJURY** is defined as an illness, injury, impairment or physical or mental condition of an Employee which is certified by a licensed physician:

that may result in death within 12 months or less; or

that greatly impairs the employee's ability to perform essential job functions for a minimum of six (6) weeks; or

that is expected to disable an employee for at least six (6) weeks;

**AND at a minimum, requires one of the following:**

- **Hospital Care**

Inpatient care in a hospital, hospice, or residential medical care facility. Inpatient care is at least one overnight stay.

- **Permanent/Long-term Conditions Requiring Supervision**

A period of incapacity which is long term or permanent. The employee must be under the continuing supervision of a Licensed Health Practitioner.

- **Multiple Treatments (Non-Chronic Conditions)**

Any period of absence to receive multiple treatments by a Licensed Health Practitioner.

**Examples of Catastrophic Illnesses or Injuries Which Meet One of the Three Criteria:**

- Back conditions requiring extensive therapy or surgery
- Heart conditions

- Most types of cancers
- Severe respiratory conditions
- Severe nervous disorders
- Injuries caused by serious accidents
- Kidney disease
- Terminal stage of disease
- Alzheimer's
- Surgery
- Pneumonia
- Severe stroke

**Conditions Which Normally Do Not Meet One of the Three Criteria and Are Not Normally Considered Catastrophic Illnesses or Injuries**

- Migraines/Headaches
- Common Cold/Allergies
- Flu
- Earaches
- Upset Stomach
- Minor Ulcers
- Childbirth/ Normal Recovery/Miscarriage (without complications)
- Elective Surgeries
- Routine dental or orthodontic problems
- Absence due to substance abuse
- Stress

2. **EMPLOYEE** is a "Full-time" County employee with 12 or more months of continuous full-time employment who is paid from the County.

3. **FMLA** is The Family and Medical Leave Act. Leave under FMLA is normally an unpaid, job protection leave for up to 12 work weeks. In order to be eligible for leave under the FMLA, an Employee must have worked at least 12 months (does not have to be consecutive) with the County and have worked at least 1,250 hours as of the date of the qualifying event (vacation & sick leave hours do not count as hours worked).

4. **INCAPACITY** is the inability to perform essential job functions or perform other regular daily activities due to a catastrophic illness or injury.

5. **LICENSED HEALTH PRACTITIONER** is a licensed doctor of medicine or osteopathy, or any licensed professional determined by the SLP Administrator to be a legitimate provider.

6. **ENROLLMENT PERIOD** for the SLP will be September 1 through September 30 each year during the regular annual open enrollment period, and will be effective from

October 1 through September 30.

7. **IMMEDIATE FAMILY MEMBER** is a parent, spouse/domestic partner, or child/custodial child.

## ADMINISTRATION

### PROGRAM ADMINISTRATOR

The HR Administrator will serve as the Program Administrator for the Wise County SLP Program. The County Treasurer will be the back-up Administrator.

## POOL MEMBERSHIP

1. Each regular full-time employee will be eligible to join the SLP program if the Employee meets the following requirements, and the employee must also have a remaining sick leave balance of at least twenty-four (24) hours after making their contribution to the SLP.

2. Each employee may contribute a minimum of eight (8) hours but no more than forty (40) hours of accrued sick leave into the SLP. Employees may only donate sick leave hours for themselves. They may NOT donate hours for another person's membership.

3. Employees (current and new hires) will only be able to join the SLP during each Open Enrollment Period.

4. An employee must submit a SLP Enrollment Form in order to become a member. The SLP Enrollment Form is available at the Treasurer's Office. The membership will be twelve (12) months from October 1 through September 30 of each year.

5. In order to remain a member from year to year, each employee must renew the membership by contributing at least eight (8) hours but no more than forty (40) hours of accrued sick leave during the Open Enrollment Period. Only one donation is required each year to maintain membership. If an employee does not enroll or re-enroll during an Open Enrollment Period, they terminate their membership in the SLP.

6. Each hour that an employee donates to the SLP will be permanently removed from their accrued sick leave balance. No advances on sick leave accruals will be granted.

7. An employee's contribution of accrued sick leave hours will be permanent and the employee agrees to release any and all rights to the contributed sick leave hours.

8. The accrued sick leave hours that an employee contributes to the SLP will become the property of the Wise County SLP and cannot be returned for any reason.

9. The time contributed to the SLP cannot be designated to be given to any particular employee.

10. There is no guarantee that a member will receive any time that they contribute to the SLP if the employee has a need for SLP time at a later date.

11. Upon the conclusion of twelve (12) months following the Open Enrollment Period, any unused time that remains in the SLP will be carried forward for the next twelve (12) month period.

12. An employee who is terminated, resigns or retires may donate up to eighty (80) hours of their accrued sick before leaving the County.

13. If, at any time, the sick leave available through the SLP falls below the number of days equal to two times (2x) the number of members (using an 8 hour workday as a basis), each member may voluntarily contribute eight (8) additional hours of accrued sick leave time. This would be considered an emergency allocation needed to maintain the operation of the SLP.

14. An employee who has exceeded the maximum allowable accumulation of 480 hours may annually donate to up to forty (40) additional hours of accrued sick.

## GRANTING OF TIME FROM SLP

1. The SLP may only be granted to and used by an employee for a catastrophic illness or injury that makes the employee unable to perform their essential job functions.

2. The Employee must have contributed at least eight (8) hours but no more than forty (40) hours in the current and previous fiscal year.

3. Pregnancy will not be covered by the SLP, but complications due to pregnancy or delivery that qualify as a Catastrophic illness or injury will be considered.

4. SLP time will not be granted to an Employee when they are receiving worker's compensation benefits under the Texas Workers Compensation Act.

5. SLP time will not be granted in cases where such time would allow the employee to have paid time past the ending date of their current FMLA leave.

6. During each twelve (12) month period following an Open Enrollment Period, the maximum amount of SLP time that may be granted to an eligible Employee will not exceed one-third (1/3) of the total amount of the SLP balance, or 6 weeks/240 hours, whichever is less at of the time of the employee's application.

7. Employees using the SLP will NOT continue to accrue vacation and sick leave.

8. Requests for an extension must be applied for by the employee and will not be automatically granted.

9. An employee cannot receive time from the SLP if they are placed on temporary suspension, on approved leave of absence or otherwise terminated.

10. All unused time that was granted to an employee from the SLP will be returned to the SLP.

11. The grant of time from the SLP to an employee will stop with the earliest occurrence of the following:

    a. The date the employee returns to work; or

    b. The employee has used all time that was granted (including any extensions), to them; or

    c. The effective date of the employee's termination (including termination due to the employee's death), suspension, leave of absence, retirement, or resignation; or

    d. The employee has used the maximum amount of SLP time allowable; or

    e. The SLP Administrator determines that the employee is no longer eligible to receive time from SLP.

12. No employee may receive or use leave time from the SLP once they have been off active-duty work, for any reason, for six (6) months or more.

**PROCEDURE**

1. An eligible employee must apply for time from the SLP by submitting a SLP Withdrawal Request Form to the SLP Administrator. The SLP Withdrawal Request Forms will be available at the Wise County Treasurer's Office. Each SLP Withdrawal Request Form must be completely filled out and include the following:

    a. The date the Catastrophic illness or injury began;

    b. The probable length of the Catastrophic illness or injury;

    c. The Physician Statement Form and/or FMLA medical certification from the Licensed Health Practitioner that is treating the condition stating that the employee is unable to perform the functions of their position and the anticipated date the employee will be eligible to return to work;

    d. Any other information that the Administrator deems necessary.

2. The completed SLP Withdrawal Request Form, along with all of the required documentation and information must be submitted no more than ten (10) days prior to the usage of all of the employee's leave time to avoid a gap in compensation.

   The obligation to submit this form and required documentation and information will be the employee's responsibility. The employee's failure to complete the form and provide the required documentation and information may result in the denial or delay of any time granted. If an employee is critically ill and unable to file all required documentation and information, the employee's immediate family may submit the request on the employee's behalf. The employee's Department Head may also submit an application at the request of the employee's family if the employee is unable to file.

3. The SLP Administrator will review all required documentation and make a decision based on the terms and conditions of this policy to approve, deny or modify the amount of time that an Employee is requesting. The Administrator's decision will be recorded. The employee or a member of his or her family may be required to meet with the Administrator to substantiate the request. The Administrator may require that the reporting supervisor, department head and/or elected official provide any information the Administrator finds necessary for their review Employee's request. The Administrator will notify the employee of their decision within seven (7) working days from the receipt of the request.

4. If the SLP Administrator decides to grant time to the Employee, the Administrator will then approve the transfer of that amount of time to the employee. The amount of time will be credited to the employee and will be used in the same way as accrued sick leave. The Employee is treated as if they were absent on earned sick leave.

5. The SLP Administrator may require an employee, who has been granted time, to make return visits to their Licensed Health Practitioner to evaluate their progress and provide continuing reports to the Administrator. If the Administrator determines that the employee is no longer eligible to receive time from the SLP, the Administrator can withdraw its existing grant and discontinue any further time.

6. Sick leave granted from the SLP will only be used to pay approved work hours.

7. Employees must show all leave taken for SLP on their timesheet as *sick leave pool.*

8. Each employee that receives a grant of time from the SLP must return to work after they have been released by their Licensed Health Practitioner. A Medical Release Form must be completed by the treating Licensed Health Practitioner and returned to the Wise County Treasurer's Office before an Employee may return to work. The Medical Release Form must indicate if the employee may return to work and list any and all restrictions relating to the employee's return to work and must indicate the time frame for any applicable restrictions. If the employee is released WITH restrictions, an accommodation must be agreed upon by the employee and Department Head. Both parties must sign a *Bona Fide Offer of Employment* letter for the temporary work assignment.

9. FMLA leave will run concurrently with leave granted from the SLP.

10. The employee will continue to be covered by health insurance during this leave with the County paying its portion of the premiums, while the employee will be responsible for paying the monthly payments to the County Treasurer for his or her portion of the premiums **once all the SLP time has been used and the employee moves into an unpaid status** (if applicable). Employees will continue to be covered by the County provided life and accidental death and dismemberment insurance during this leave with the County paying the premiums. Employees will be responsible for paying the monthly payments to the County Treasurer for additional life insurance coverage. **ALL** premium payments **must** be made by the 1st of each month for coverage during that month. If the payment is not made timely, the affected coverage will be dropped, the employee to reapply for coverage during the next available Open Enrollment period.

11. Any unused balance of SLP time will be returned to the Pool. The estate of a deceased employee will not be entitled to payment for unused sick leave acquired by the employee from the SLP.

12. The use of time from the SLP will only be granted for one (1) occurrence in a rolling twelve (12) month period.

## ABUSE OF BENEFIT

Any employee found abusing this policy, e.g., reporting that they are sick when they are not, or not returning to work when they are able, is subject to discipline, up to and including termination. If evidence is brought to the attention of the Administrator that the employee is engaging in activities (1) outside the recommendations of the licensed practitioner or (2) different than the limitations of the catastrophic illness or injury, it will be brought to the attention of the Department head of that employee for possible disciplinary action.

## APPEALS

A member may appeal the Administrator's decision by submitting a written request to appear before an Appeal Committee in person or by representative within seven (7) business days of the date of notice of decision by the SLP Administrator. The Commissioners Court will appoint the Appeal Committee which will be composed the following members: the County Treasurer (as a non-voting member except in the event of a tie), the HR Administrator (as a non-voting member), a Justice of the Peace (whoever is available), the County Auditor, and the EMS Director (or EMS Supervisor when the Director is not available). If a member requests an appeal, the committee will hear the appeal and respond to the appeal within ten (10) business days after receiving of the appeal. The committee's decision will be final.

## MISCELLANEOUS PROVISIONS

1. Membership in the SLP is voluntary and members agree that Wise County and its employees are not subject to liability based upon the decisions of the SLP Administrator.

2. The County may discontinue and/or terminate the SLP program without cause or legal repercussions or ramifications upon sixty (60) days written notice to all employees that are participating in the SLP program as of the date of its termination.

3. If any provision of this SLP is determined to be invalid or unenforceable by any court of competent jurisdiction, only the specific provision(s) will be interpreted as invalid or unenforceable. It is the desire and intention of the County that the provision will be changed in such a manner that it will result in the intent of this SLP.

4. The guidelines, terms and conditions of this SLP program may be amended at any time upon the recommendation of the Administrator. Any recommended amendments must be approved by the Commissioners Court.

**SLP REQUIRED FORMS**

A. SLP Membership Enrollment Form
B. SLP Withdrawal Request Form (Employee)
C. Treating Physician Statement (Employee)
D. SLP Withdrawal Request Committee Decision Form

Return to Work Packet form(s):

A. Medical Release Form (Employee)

**NOTE**: The above referenced forms may be revised periodically. It is the Employee's obligation and responsibility to check with the Wise County Treasurer's Office to ensure the proper forms are used.

Supplemental Agenda #1

# SICK LEAVE POOL PROGRAM POLICY

**(Original Version)**

## PURPOSE

To establish a voluntary program in accordance with Texas Local Government Code Chapter 157, Subchapter E, which authorizes Commissioners Court to create a Sick Leave Pool Program (SLP) for County employees. The Sick Leave Pool (SLP) provides additional sick leave time to Wise County (County) Employees in the event of a non-work related Catastrophic Illness or Injury that prevents an employee from performing their essential job functions during active employment. Time may be granted from the SLP only after the employee has exhausted all accrued sick, vacation, comp time, or other paid leave (if applicable) and has met all granting requirements as described herein.

## DEFINITIONS

1. **CATASTROPHIC ILLNESS or INJURY** is hereby defined as an illness, injury, impairment or physical or mental condition of an Employee which is certified by a physician licensed by the State of Texas or other domestic state:

that reasonably can be expected to result in death within 12 months or less; or

that substantially impairs the employee's ability to perform essential job functions of his or her job for a period of not less than six (6) weeks; or

that is expected to incapacitate an employee for at least six (6) weeks and is the result of any of the following: the transplant of a major bodily organ, major surgery or treatment of cancer, or a heart attack.

**AND at a minimum, requires one of the following:**

- **Hospital Care**

Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care. Inpatient care is at least one overnight stay.

- **Permanent/Long-term Conditions Requiring Supervision**

A period of incapacity which is permanent or longer term due to a condition for which treatment may not be effective. The employee must be under the continuing supervision of, but need not be receiving active treatment by a Licensed Health Practitioner.

- **Multiple Treatments (Non-Chronic Conditions)**

Any period of absence to receive multiple treatments (including period of recovery) by a

Licensed Health Practitioner either for restorative surgery after an accident or other injury; or

**Examples of Catastrophic Illnesses or Injuries Which Meet One of the Three Criteria:**

- Back conditions requiring extensive therapy or surgery
- Heart conditions
- Most types of cancers
- Severe respiratory conditions
- Severe nervous disorders
- Injuries caused by serious accidents
- Kidney disease
- Terminal stage of disease
- Alzheimer's
- Surgery
- Pneumonia
- Severe stroke

**Conditions Which Normally Do Not Meet One of the Three Criteria and Are Not Normally Considered Catastrophic Illnesses or Injuries**

- Migraines/Headaches
- Common Cold/Allergies
- Flu
- Earaches
- Upset Stomach
- Minor Ulcers
- Childbirth/ Normal Recovery/Miscarriage (without complications)
- Elective Surgeries
- Routine dental or orthodontic problems
- Absence due to substance abuse
- Stress

2. **EMPLOYEE** is a "Full-time" County employee with 12 or more months of continuous full-time employment who is paid from the County.

3. **FMLA** is The Family and Medical Leave Act. Leave under FMLA is normally an unpaid, job protection leave for up to 12 work weeks. In order to be eligible for leave under the FMLA, an Employee must have worked at least 12 months (does not have to be consecutive) with the County and have worked at least 1,250 hours as of the date of the qualifying event (vacation & sick leave hours do not count as hours worked).

4. **INCAPACITY** is the inability to perform essential job functions or perform other regular daily activities due to a catastrophic illness or injury, treatment for, or recovery from.

5. **LICENSED HEALTH PRACTITIONER** is a licensed doctor of medicine or

osteopathy, or any licensed professional determined by the SLP Administrator to be a legitimate provider capable of providing health care services in the state of Texas or other domestic state.

6. **ENROLLMENT PERIOD** for the SLP shall be September 1 through September 30 each year during the regular annual open enrollment period, and shall be effective from October 1 through September 30.

7. **IMMEDIATE FAMILY MEMBER** is a parent, spouse/domestic partner, or child/custodial child.

## ADMINISTRATION

### PROGRAM ADMINISTRATOR

The HR Administrator shall serve as the Program Administrator for the Wise County SLP Program. The County Treasurer will act as the Administrator in the Administrator's absence.

## POOL MEMBERSHIP

1. Except as otherwise provided herein and in addition to any other eligibility requirements, each regular full-time employee shall be eligible to join the SLP program so long as such Employee satisfies the following criteria and the employee will have a sick leave balance of at least twenty-four (24) hours following his or her contribution of accrued sick leave into the SLP.

2. Each employee desiring to join the SLP may contribute not less than eight (8) hours and not more than forty (40) hours of accrued sick leave into the SLP. Employees may only donate sick leave hours for themselves. They may NOT donate hours for another person's membership.

3. Employees (current and new hires) shall only be able to join the SLP during each Open Enrollment Period.

4. In order to join the SLP, an employee must submit a SLP Enrollment Form. The SLP Enrollment Form is available at the Treasurer's Office. An employee's membership in the SLP shall be for a period of twelve (12) months beginning on the first day following each annual Open Enrollment Period.

5. In order to maintain enrollment in the SLP from year to year, each employee must renew his or her membership in the SLP by contributing not less than eight (8) hours and not more than forty (40) hours of accrued sick leave into the SLP each year during the Open Enrollment Period. Only one donation each fiscal year is required to maintain membership in the SLP. Except as otherwise specifically set forth herein, an employee's failure to enroll during an Open Enrollment Period will result in the termination of the employee's continued membership in the SLP.

6. Each hour that an employee donates to the SLP will be permanently subtracted from

the Employee's accrued sick leave balance that is on file as of closeout of the Open Enrollment Period, and subject to audit. No advances on sick leave accruals will be granted to allow an employee to meet the minimum required contribution.

7. An employee's contribution of accrued sick leave hours shall be irrevocable and the employee, by making such contribution, agrees to release any and all rights to the contributed sick leave hours.

8. The accrued sick leave hours that an employee contributes to the SLP shall become the property of the Wise County SLP and cannot be returned in the event the employee dies, retires, resigns, is terminated, is placed on temporary suspension or otherwise fails to maintain his or her membership in the SLP from year to year.

9. The time contributed to the SLP cannot be designated to be given to any particular employee.

10. There is no guarantee that a contributing employee will receive any time that he or she contributes to the SLP should such employee have a need to make application for SLP time at a later date.

11. Upon the conclusion of twelve (12) months following the Open Enrollment Period, any unused time that remains in the SLP shall be determined and carried forward for the next twelve (12) month period of the SLP.

12. An employee who is terminated, who resigns or who retires may donate not more than eighty (80) hours of their accrued sick leave prior to the time of their departure from County employment.

13. If, at any time, the sick leave available through the SLP falls below the number of days equal to two times (2x) the number of members of the SLP (using an 8 hour workday as a basis), each employee member may voluntarily contribute eight (8) additional hours of accrued sick leave time to the SLP in order to maintain membership in the SLP. This type of contribution would be considered an emergency allocation that is necessary to bring the pool up to the amount of hours needed to maintain the continued operation of the SLP.

14. An employee who has exceeded the maximum allowable accumulations of 480 hours may annually donate to the pool not more than 40 hours of accrued sick leave in excess of the maximum allowed.

## GRANTING OF TIME FROM SLP

1. The SLP may only be granted to and used by an employee for a Catastrophic Illness or injury that makes the employee unable to perform the employee's essential job functions.

2. The Employee has contributed to the sick leave pool not less than eight (8) hours but

not more than forty (40) hours in the current and previous fiscal year.

3. Pregnancy will not be covered by the SLP, but complications due to pregnancy or delivery that qualify as a Catastrophic Illness or Injury will be considered.

4. SLP time will not be granted to an Employee when he or she is receiving worker's compensation benefits under the Texas Workers Compensation Act. SLP time will also not be granted in cases where the Employee's receipt of SLP time would allow such employee to have paid time past the ending date of their current entitlement to FMLA leave.

5. During each twelve (12) month period following an Open Enrollment Period, the maximum amount of SLP time that may be granted to an eligible Employee shall not to exceed one-third (1/3) of the total amount of the SLP, or 6 weeks/240 hours, whichever is less as of the time of the employee's application.

6. Employees using the SLP will not continue to accrue vacation and sick leave.

7. Requests for the granting of an extension from the SLP must be applied for by the employee and shall not be automatically granted.

8. An employee cannot receive time from the SLP if the employee is placed on temporary suspension, is on approved leave of absence or is otherwise terminated.

9. All unused time that was granted to an employee from the SLP shall be returned to the SLP.

10. The grant of time from the SLP to an employee shall terminate upon the earliest occurrence of the following:

    a. The date the employee returns to work; or

    b. The exhaustion of the specific amount of time that the SLP Administrator granted to the employee, unless the SLP Administrator has granted the employee additional SLP time and, in such case, upon the exhaustion of any additional SLP time that was granted to the employee; or

    c. The effective date of the employee's termination (including termination due to the employee's death), suspension, leave of absence, retirement, or resignation; or

    d. The employee has used the maximum amount of SLP time allowable under this policy; or

    e. The SLP Administrator determines that the employee is no longer eligible to receive any further or additional time from SLP.

11. No employee may receive or use leave time from the Sick Leave Pool once he/she has been off active-duty work, for any reason, for six (6) months or more.

**PROCEDURE**

1. An eligible employee must apply for permission to receive time from the SLP by submitting a SLP Withdrawal Request Form to the SLP Administrator. The SLP Withdrawal Request Forms shall be available at the Wise County Treasurer's Office. Each SLP Withdrawal Request Form must be completely filled out and include the following:

   a. The date on which the Catastrophic Illness or Injury commenced;

   b. The probable duration of the Catastrophic Illness or Injury;

   c. The Physician Statement Form and/or FMLA medical certification form from the Licensed Health Practitioner that is treating the catastrophic condition stating that the employee is unable to perform the functions of his or her position and the anticipated date the employee will be eligible to return to work;

   d. Any other information that the Administrator deems necessary.

2. The completed SLP Withdrawal Request Form, along with all of the required documentation and information must be submitted no more than ten (10) days prior to the exhaustion of all of the employee's accrued sick leave, vacation, personal holidays, and compensatory time to avoid a gap in compensation.

   The obligation to submit said form and required documentation and information shall be the employee's responsibility. The employee's failure to complete the said form and provide the required documentation and information may result in the denial or delay of any grant of time from the SLP. If an employee is critically ill and unable to file the SLP Withdrawal Request Form and required documentation and information, the employee's immediate family may, submit the request form and required documentation and information. If a member is critically ill and unable to file an application for sick leave from the Pool, his/her Department Head may submit an application at the request of the employee's family.

3. Upon receipt of an employee's request, the SLP Administrator shall review both the employee's completed SLP Withdrawal Request Form (along with all required documentation and information) and make a decision based on the terms and conditions of this policy to approve, deny or modify the amount of time that an Employee is requesting from the SLP. The SLP Administrator's decision to approve, deny or modify the amount of time that an Employee is requesting from the SLP shall be on record. The requesting employee or a member of his or her family may be required to appear at a called meeting before the SLP Administrator in order to substantiate the request. The Administrator may, at their sole discretion, require that the supervisor,

department head and/or elected official under which the requesting employee works appear and/or provide any information and testimony that the SLP Administrator deems necessary for their consideration of whether or not to approve, deny or modify the amount of time that an Employee is requesting from the SLP. The Administrator shall notify the employee of their decision within seven (7) working days from the receipt of the request.

4. In the event the SLP Administrator decides in favor of granting time from the SLP to a requesting Employee, the Administrator shall then approve the transfer of that amount of time from the SLP to the employee. The amount of SLP time granted to an employee shall be credited to the employee and shall be used in the same manner as accrued sick leave. Furthermore, in accordance with state law, an employee absent on sick leave assigned from the SLP is treated for all purposes as if the employee were absent on earned sick leave.

5. The SLP Administrator may require an employee, who has been granted time from the SLP, to undergo periodic return visits to his or her Licensed Health Practitioner to assess progress and make continuing reports to the Administrator. If the SLP Administrator determines that the employee is no longer eligible to receive time from the SLP, the SLP Administrator can withdraw its existing grant of the SLP time to the employee and discontinue any further transfers of SLP time to such employee.

6. Sick leave granted from the SLP shall only be used to pay approved work hours.

7. Employees must show all leave taken for SLP on their timesheet as *sick leave pool.*

8. Each employee that receives a grant of time from the SLP must return to work after he or she has been released by his or her Licensed Health Practitioner. A Medical Release must be completed by the treating Licensed Health Practitioner and be returned to the Wise County Treasurer's Office before an Employee on a SLP grant may return to work. The Medical Release Form shall advise if the employee may return to work and list any and all restrictions relating to the employee's return to work and the time frame for said restrictions if applicable. If the employee is released WITH restrictions, an accommodation must be agreed upon by the employee and Department Head. Both parties must sign a *Bona Fide Offer of Employment* letter for the temporary work assignment.

9. FMLA leave shall run concurrently with leave granted from the SLP.

10. The employee will continue to be covered by health insurance during this leave with the County paying its portion of the premiums, while the employee will be responsible for paying the monthly payments to the County Treasurer for his or her portion of the premiums **once the SLP has been exhausted and the employee moves into an unpaid status** (if applicable). Employees will continue to be covered by the County provided life and accidental death and dismemberment insurance during this leave with the County paying the premiums. Employees will be responsible for paying the monthly payments to the County Treasurer for additional life insurance coverage. **ALL** premium payments **must** be made by the 1st of each month for coverage during that month. If the payment is

not made timely, the affected coverage will be dropped, thereby necessitating reapplication for coverage during the next available Open Enrollment period.

11. Any unused balance of SLP time granted to an employee returns to the Pool. The estate of a deceased employee shall not be entitled to payment for unused sick leave acquired by the employee from the SLP.

12. The use of time from the SLP shall only be granted for one (1) occurrence in a rolling twelve (12) month period.

## ABUSE OF BENEFIT

Any employee found abusing this policy, e.g., reporting that (s)he is sick when (s)he is not, or not returning to work when (s)he is able, is subject to discipline, up to and including termination. If evidence is brought to the attention of the SLP Administrator that the employee is engaging in activities (1) inconsistent with the recommendations of the licensed practitioner or (2) contrary to the limitations of the catastrophic illness, it will be brought to the attention of the Department head of that employee for possible disciplinary action.

## APPEALS

A member may appeal the Administrator's decision by submitting a written request to appear before an Appeal Committee in person or by agent within seven (7) business days of the date of notice of decision by the SLP Administrator. If a member requests an appeal, the Committee shall hear the appeal and respond to the employee within then (10) business days after receipt of the appeal. The Commissioners Court shall appoint the Appeal Committee which shall be composed the following members: the County Treasurer (as a non-voting member except in the event of a tie), the HR Administrator (as a non-voting member), a Justice of the Peace (whoever is available), the County Auditor, and the EMS Director (or EMS Supervisor when the Director is not available). If a member requests an appeal, the committee shall hear the appeal and respond to the appeal within ten (10) business days after receipt of the appeal. The committee's decision shall be final.

## MISCELLANEOUS PROVISIONS

1. Membership in the SLP is voluntary and members agree that Wise County and its employees are not subject to liability based upon the decisions of the SLP Administrator.

2. The County may discontinue and/or terminate the SLP program without cause or legal repercussions or ramifications upon sixty (60) days written notice to all employees that are participating in the SLP program as of the date of its termination.

3. If any provision of this SLP shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, but rather this entire SLP will be construed as if not containing the particular invalid or unenforceable provision or provisions, and the rights and obligation of the parties shall be construed and enforced in accordance therewith. If any provision of this SLP is determined to be invalid or unenforceable, it is the desire and

intention of the County that such provision be reformed and construed in such a manner that it will, to the maximum extent practicable, give effect to the intent of this SLP.

4. The guidelines, terms and conditions of this SLP program may be amended at any time upon the recommendation of the SLP Administrator. Any recommended amendments must be approved by the Commissioners Court.

**SLP REQUIRED FORMS**

A. SLP Membership Enrollment Form
B. SLP Withdrawal Request Form (Employee)
C. Treating Physician Statement (Employee)
D. SLP Withdrawal Request Committee Decision Form

Return to Work Packet form(s):

A. Medical Release Form (Employee)

**NOTE**: The above referenced forms may be revised periodically. It is the Employee's obligation and responsibility to check with the Wise County Treasurer's Office to ensure the proper forms are used.