14

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 each fiscal year. 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 each fiscal year. Only one donation per fiscal year is required 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 only if they have not already donated the maximum 40 hours allowed each fiscal year. 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 additional hours of accrued sick leave to the SLP (up to the maximum allowed of forty (40) hours each fiscal year.

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 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 a non-FMLA 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 four (4) 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. The employee's department will be charged for SLP time as any other sick leave.

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 Fitness for Duty 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 Fitness for Duty 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. 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.

11. The use of time from the SLP will only be granted for one (1) occurrence in a rolling twelve (12) month period. This includes any extensions granted to a single (1) occurrence.

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.

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)

Return to Work Packet form(s):

A. Fitness for Duty 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.

WISE COUNTY SICK LEAVE POOL PROGRAM

Overview and Eligibility

What is a sick leave pool?

A sick leave pool allows full-time employees to voluntarily donate accrued "sick leave" hours to a pool that can be used by other full-time Wise County employees in the event that a catastrophic illness or injury has caused them to exhaust all other paid leave opportunities.

Why can't we transfer vacation and comp time to other employees?

Statutorily, Wise County employees are not allowed to transfer vacation/comp time. However, we are allowed to establish a sick leave pool.

How does it work?

- A Wise County employee must donate time to the sick leave pool in order to be eligible to withdraw time from the sick leave pool.
- An employee may only request time from the sick leave pool once all other options for paid time off (vacation time, sick time, comp time, FMLA, etc.) are exhausted.
- Once all other time possibilities have been exhausted, an eligible employee will request sick leave pool time with a form in the Human Resources office. The eligible employee must provide written documentation from a doctor that the illness or injury is catastrophic.
- The Human Resources office will evaluate requests and consider approval of sick leave pool time.

What is considered catastrophic?

- A catastrophic illness/injury is one that is certified by a license physician that:
  - May cause death within 12 months or less; or
  - That greatly impairs the employee's ability to perform essential job functions for a minimum of 6 weeks; or
  - That is expected to disable an employee for at least 6 weeks;
- AND, at a minimum, requires one of the following:
  - Hospital care (inpatient, at least one overnight stay)
  - Permanent/Long-Term Conditions Requiring Supervision
  - Multiple Treatments

Examples of Catastrophic Illness/Injury

- The following catastrophic illnesses/injuries meet at least one of the three criteria:
  - Back conditions requiring extensive therapy or surgery
  - Heart conditions
  - Most types of cancer
  - Severe respiratory conditions
  - Severe nervous disorders
  - Injuries caused by serious accidents
  - Kidney disease
  - Terminal stage of disease
  - Alzheimer's
  - Surgery
  - Pneumonia
  - Severe stroke

(see reverse for more information)

Ineligible Conditions

- The following conditions normally do not meet one of the three criteria and/or are not normally considered catastrophic illnesses/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

How do you join the sick leave pool?

- Each year, an enrollment period will be open from September 1 through September 30 so that regular full-time employees can voluntarily join to be a member of the sick leave pool from October 1-September 30 (the Wise County fiscal year.)
- Since we are starting mid-year, our initial enrollment period will be from May 1-May 30 and will allow participating employees to be a member of the pool until September 30, 2017.
- Once the enrollment period ends each year, employees cannot become members of the sick pool until the next year's enrollment period.
- To join the sick pool, an employee must donate at least 8 hours but not more than 40 hours of sick time into the pool.
- Participating employees must also have a sick leave balance of at least 24 hours after making their contribution to the sick leave pool.
- To encourage initial enrollment, we will waive the 24-hour balance requirement for this first enrollment period.
- An eligible sick leave donation guarantees your membership for that year; a new donation must be made during each enrollment period to renew membership.
- Any unused time in the sick leave pool with be carried forward for the next 12-month period.

Time Donation Exceptions

- There are exceptions to the 40-hour maximum that employees may donate to the sick leave pool.
- An employee who is terminated, resigns, or retires may donate up to 80 hours of their accrued sick time before leaving the County.
- An employee who has exceeded the maximum allowable accumulation of 480 hours may annually donate up to 40 additional hours of accrued sick time.

How much sick leave pool time can be awarded to a person in a year?

During each year following an open enrollment period, the maximum amount of sick leave pool time that may be granted to an eligible employee will not exceed 1/3 of the total amount of the sick leave pool balance or 180 hours, whichever is the lesser of the two at the time of the employee's application.

Sick Leave Policy Change Proposal

- Currently, full-time employees earn 3.37 hours of sick leave time each month.
- Proposal for Commissioners Court Consideration: Change policy to allow full-time employees to earn 8 hours of sick leave time each month.

For More Information

Contact the Human Resources office at (940) 627-3540.