

BRAZOSCOUNTY

2.02 POLICY ON SICK LEAVE (continued)

2.02.8 *SICK LEAVE POOL POLICY*

The Brazos County Commissioners Court has established a program within Brazos County to allow an employee to voluntarily transfer sick leave earned by the employee to a County Sick Leave Pool. The authority to establish this program is granted by TEX. LOCAL Gov'T CODE ANN. §157.071, et. seq., as amended September 1, 1997 and September 1, 2001.

2.02.8.1 *PURPOSE*

The purpose of the Brazos County Sick Leave Pool is to provide additional sick leave days to county employees in the event an employee has a need for additional paid leave because they have exhausted all paid leave and have a serious medical hardship or catastrophic illness or injury, such as cancer, major surgery, AIDS, a serious accident, heart attack, etc. that poses a threat to life and/or requires inpatient, hospice or residential health care. The employee's need may arise from their own serious medical hardship or catastrophic illness or from their need to care for a member of the employee's immediate family, including a spouse, child, or parent, who has a serious medical hardship or catastrophic illness. This policy is not intended to cover an employee who is experiencing a normal pregnancy, has a common illness, has an illness or injury covered by an employer-paid long-term disability policy or worker's compensation, or has incurred injury during the course of committing a felony. Similarly, this policy is not intended to provide leave to any employee who has previously abused any paid leave.

2.02.8.2 *DEFINITIONS*

- a. IMMEDIATE FAMILY is defined as those individuals who live in the same household as the employee and are related by kinship, adoption, or marriage; or are foster children certified by the Texas Department of Child Protective and Regulatory Services; and an employee's minor child regardless of whether the child lives in the same household. If not in the same household, an immediate family member is strictly limited to the employee's spouse, child or parent.

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- b. ELIGIBLE EMPLOYEE is defined as:
 - 1. anyone, excluding an Elected Official, who is a regular full-time or part-time employee of Brazos County with 12 or more months of continuous employment with the county who is paid from the County General Fund, a County Special Revenue Fund or County Administered Grant and is eligible_ for sick leave under the existing Personnel Policies, has enrolled in the sick leave pool and transferred at least one day of accrued sick time to the sick leave pool during the fiscal year, and
 - 2. except as otherwise provided for herein, has exhausted all accrued sick leave, compensatory leave, extended sick leave, vacation and any other paid leave times to which he or she is entitled due to a catastrophic illness or injury.
- c. ADMINISTRATOR - means the person or department designated by the Commissioners Court to administer the County Sick Leave Pool Program.
- d. CATASTROPHIC ILLNESS OR INJURY means a terminal, life threatening, and/or severe condition or combined conditions affecting the mental or physical health of the employee or an eligible family member, such as cancer, major surgery, AIDS, a serious accident, heart attack, etc., that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all accrued leave time (sick leave, vacation leave, and compensatory time) and to lose compensation from the County.
- e. LICENSED PRACTITIONER means a licensed physician, nurse practitioner, or other licensed health care professional.
- f. BENEFIT APPLICATION means an employee, prior to applying for benefits from the County Sick Leave Pool, must have enrolled in the County Sick Leave Pool and transferred at least one day of accrued sick leave time to the sick leave pool during the fiscal year.

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2.02.8.3 *ADMINISTRATION OF THE POOL:*

- a. At the direction of the Commissioners Court, the Director of Human Resources shall serve as the Pool Administrator. The Pool Administrator shall be responsible for developing mechanisms to transfer accrued sick leave into and out of the Pool; developing rules and procedures for the operation of the Pool; and developing forms for contributing leave to or using leave from the Pool.
- b. The Pool Administrative Committee shall be composed of the following members: County Judge, Commissioner, Legal Counsel, Human Resources Director and Director Emeritus of Human Resources. This committee shall be responsible for receiving and viewing all applications for use of leave from the Pool.

2.02.8.4 *POOL MEMBERSHIP:*

Membership in the Sick Leave Pool is voluntary.

- a. All regular full-time and part-time employees are eligible to join the Sick Leave Pool by contributing a minimum of one (1) day or a maximum of four (4) days accrued sick leave.
- b. New employees may join the pool after 12 months of continuous employment. New employees must join the pool within thirty days after their anniversary date. Days donated will be subtracted from their accrued leave.
- c. Employees will only be able to join the Pool at a time designated each year by the Pool Administrator, or in the case of new employees, immediately upon completion of 12 consecutive months.
- d. Membership enrollment forms must be submitted to the Human Resource Department. Days donated will be subtracted from each member's accrued sick leave.
- e. Days donated become the property of the Brazos County Sick Leave Pool and cannot be returned in the event of membership cancellation.
- f. Employees on an approved leave of absence will retain membership in the Pool and will not be required to donate additional days.

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- g. To maintain membership in the Sick Leave Pool, employees must donate a minimum of one (1) day and a maximum of four (4) days of earned sick leave each fiscal year during open enrollment designated by the Human Resource Director or at a time during the fiscal year designated by the Pool Administrator for general membership donations. Only one donation during the fiscal year is required to maintain membership in the Pool.

2.02.8.5 *DAYS GRANTED:*

Only members of the Sick Leave Pool will be granted days from the Sick Leave Pool.

- a. Days will be granted only for catastrophic illness or surgery or other disability, which necessitates the absence from work for five (5) consecutive days or longer. In case of chemotherapy for cancer treatment, days can be granted for 1 - 4 days absence.
- b. Days requested for stress-related illness will be granted for hospitalized days only.
- c. The maximum number of days granted to an employee each fiscal year shall not exceed one-third of the total amount of time in the Pool at the time of the request or 90 days whichever is less.
- d. A member of the pool, who exhausts all of his or her accrued paid leave and compensatory time to which the employee is otherwise entitled, may withdraw from the pool for a non-catastrophic illness the exact number of days the member had contributed that fiscal year.
- e. Days paid from the Sick Leave Pool will be calculated at the employee's regular full-time equivalency. An employee cannot receive daily sick leave pool pay in an amount greater than his or her regular base rate.
- f. Employees who make contributions to the sick leave pool may not stipulate who is to receive sick leave pool benefits.
- g. Employees on leave without pay are not eligible unless their leave without pay status is a result of depleting accrued paid leave because of the qualifying illness or injury. If an employee has returned from leave without pay, the employee is ineligible until he or she completes a minimum of 30 active workdays.

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- h. The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the sick leave pool or previously donated to the pool.
- i. Any unused balance of pool leave granted to an employee returns to the pool.
- J. Employees leaving County employ may donate a maximum of ten (10) days accrued sick leave.

2.02.8.6 PROCEDURE:

- a. An eligible employee must apply to the Director of Human Resource /Pool Administrator for permission to use time in the Pool.
- b. The Pool Administrator shall present the application to the Pool Administrative Committee, who shall determine eligibility. In making the decision regarding eligibility, the Pool Administrative Committee will review the employee's application, verification of exhaustion of all paid leave, and all medical evidence submitted by the employee, including but not limited to a physician's or licensed practitioner's statement. The Pool Administrative Committee may request additional medical information from the applicant. The final decisions on eligibility and distribution of donated leave time rest with the Pool Administrative Committee.
- c. If the employee is determined to be eligible, the Pool Administrator shall approve the transfer of time from the Pool to the employee. The time shall be credited to the employee and shall be used in the same manner as accrued sick leave.
- d. An employee absent on sick leave assigned from the Pool is treated for all purposes as if the employee were absent on accrued sick leave.

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- e. To initiate an application, an employee must contact his or her department supervisor. In the event an employee is physically or mentally unable to initiate an application, an application request may be initiated by a member of the employee's immediate family; i.e., spouse, child or parent, by an Elected Official or by the employee's Department Head. An employee or one of the above authorized individuals must complete an application and provide either a licensed practitioner's statement or a release signed by the employee or his or her authorized agent of the employee's medical information. An employee may also be asked to provide additional medical information. An employee can only make an application once every fiscal year. Application materials should be sent to:

Jennifer Salazar, Director of Human Resources
300 East 26th Street, Suite 107
Bryan, Texas 77803-53273

- f. Application requests will be processed on a first-come, first-served basis, regardless of the method of delivery, according to date and time of receipt by the Administrator.

2.02.8.7 *FINAL AUTHORITY:*

The Sick Leave Pool Administrative Committee shall have the final approval/disapproval of the employee applications.

2.02.8.8 *APPLICATION FORMS:*

Applications for donation of accrued sick time to the Brazos County Sick Leave Pool are available in the Human Resource department.

Applications for withdrawal from the Brazos County Sick Leave Pool are available in the Human Resource department.