



Standard Administrative Procedure (SAP)

31.06.01.L0.01 Sick Leave Pool Administration Procedures

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Procedure Statement and Reason for Procedure

The purpose of this SAP is to supplement [System Regulation 31.06.01, Sick Leave Pool Administration](#) and outlines procedures for contributing hours to or withdrawing hours from the Texas A&M International University (TAMIU) Sick Leave Pool (SLP).

Procedures and Responsibilities

1. ELIGIBILITY

Regular employees are eligible to contribute hours to and withdraw hours from the SLP in accordance with eligibility criteria outlined in [System Regulation 31.06.01, Sick Leave Pool Administration](#). A regular (eligible) employee is defined as budgeted by name for 50 percent or more time for at least four and one-half months, excluding students holding positions for which student status is a requirement for employment and, by law, the chief executive officer.

2. ADMINISTRATION

2.1 The Director of Human Resources in the Office of Human Resources (HR) shall be the SLP Administrator and shall be responsible for reviewing and approving or denying request(s) for transfer of hours into and from the SLP according to the guidelines established in [System Regulation 31.06.01, Sick Leave Pool Administration](#).

- 2.2 The SLP Administrator will process requests within 10 working days following the receipt of all information necessary to make a decision.
- 2.3 The SLP Administrator will ensure that an employee's official leave record reflects the appropriate deduction for contributions to the SLP and/or the appropriate credit for receipt of hours from the SLP.
- 2.4 Decisions to allocate SLP resources to eligible employees will be equitable, consistent, and without regard to employee classification or any other legally impermissible reason.

3. CONTRIBUTION OF TIME

- 3.1 To contribute sick leave hours to the SLP, a regular (eligible) employee or separating employee must submit a *Sick Leave Pool Donation Form* to the SLP Administrator. This form is available in HR.
- 3.2 A regular (eligible) employee may contribute one or more days of his/her accrued sick leave hours to the SLP at any time during his/her employment. A retiring or terminating employee may contribute to the SLP at the time of his/her retirement or termination from TAMIU. SLP contributions must be in 8-hour increments.
- 3.3 All contributions to the SLP are voluntary.
- 3.4 Currently-employed, regular (eligible) employees may voluntarily donate sick leave hours to the SLP or to another employee as authorized by Section 661.207 of the Texas Government Code. Direct donations of sick leave hours to an employee will be considered a taxable event **to the donor** unless the situation qualifies as a Medical Emergency pursuant to IRS guidelines.
 - 3.4.1 **Medical Emergency** means a medical condition of an employee or family member, including normal pregnancy and the period of confinement and recuperation associated with it, which is likely to require an employee's absence from duty for a prolonged period of time and substantial loss of income to the employee because of the unavailability of paid leave. Note that the period of absence for pregnancy is usually 6 weeks for a normal delivery and recovery or 8 weeks for a Cesarean section (C-Section) and recovery.
 - 3.4.2 Elective surgery and routine medical tests are not within the definition of a Medical Emergency. Absence in conjunction with a normal pregnancy which meets the substantial loss of income definition, including medical care before the birth, confinement, and the usual recuperation period after the birth, qualifies as a Medical Emergency.
 - 3.4.3 The bonding period (during weeks 7-12 of FMLA for a normal delivery or during weeks 9-12 for a C-Section) are not eligible for SLP hours. That period is not considered part of a Medical Emergency.
- 3.5 Regular (eligible) employees who wish to make a direct donation of sick leave hours to an employee will complete the *Sick Leave Direct Donation – Donor Form* and submit it to HR.

- 3.6 Regular (eligible) employees who wish to make a direct donation of sick leave hours to an employee must be in a regular employment position. Employees who have given notice of resignation may not make a direct donation of sick leave hours to an employee but may donate sick leave hours to the SLP.
- 3.7 Employees who have been notified that their employment is ending or who have been permitted to resign in lieu of termination are not considered employed, and are, therefore, ineligible to make a direct donation of sick leave hours to an employee.
- 3.8 An active TAMIU employee who previously contributed hours to the SLP and has exhausted all their sick leave may request a reinstatement of the hours s/he previously contributed to the SLP, in accordance with [System Regulation 31.06.01, Sick Leave Pool Administration](#). To make such a request, the eligible employee should see the SLP Administrator who will provide the appropriate form for and assist with the request.

4. WITHDRAWAL OF TIME

- 4.1 To request a withdrawal of sick leave hours from the SLP, a regular (eligible) employee must submit a [Sick Leave Pool Withdrawal Form](#) to the SLP Administrator.
- 4.2 If a direct donation for sick leave hours to an employee has been submitted as provided in Section 3.5 above, following the approval of the donation, HR will provide the recipient the *Sick Leave Direct Donation – Recipient Form* for completion and will request appropriate medical certification to determine if the situation qualifies as a Medical Emergency for tax purposes. HR will advise the recipient of the determination and if the donated sick leave hours can be applied to the request.
- 4.3 SLP hours must be requested before the hours are needed or as soon as possible, as State law prohibits the retroactive granting of sick leave or SLP hours.
- 4.4 A regular (eligible) employee is eligible to receive SLP hours when all of the following conditions are satisfied:
 - (a) The employee or employee’s immediate family member has a catastrophic illness or injury that requires treatment by a licensed practitioner, as defined by [System Regulation 31.06.01, Sick Leave Pool Administration](#).
 - (b) The employee has furnished the appropriate FMLA documentation (*Certification of Health Care Provider for Employee’s Serious Health Condition* or *Certification of Health Care Provider for Family Member’s Serious Health Condition*) signed by the treating licensed practitioner and providing the general nature of the catastrophic illness or injury, prognosis, and expected recovery date.
 - (c) The employee has been absent from work due to the employee’s or employee’s immediate family member’s catastrophic illness or injury for a prolonged period. As defined by [System Regulation 31.06.01, Sick Leave Pool Administration](#), a prolonged period is 80 hours of continuous or intermittent missed work, with or without pay. For a less-than-full-time employee, the requirement will be proportional to their percent effort (e.g., 50% effort equals 40 hours of continuous or intermittent missed work).

- (d) The employee has exhausted all their sick leave, vacation leave, and compensatory time.
- 4.5 Employees requesting hours from the SLP or utilizing a direct donation of sick leave hours may be required to submit periodic updates from the treating licensed practitioner regarding the current status of the medical condition and, for the employee, the ability to work upon recovery.
- 4.6 As specified in [System Regulation 31.06.01, Sick Leave Pool Administration](#), an eligible employee may use up to one-third of the total amount of hours in the SLP or up to 90 working days (720 hours), whichever is less, for each catastrophic illness or injury.
- 4.7 As specified in [System Regulation 31.06.01, Sick Leave Pool Administration](#), employees receiving Workers' Compensation benefits are not eligible to withdraw hours from the SLP.

5. APPEAL PROCESS

An employee wishing to appeal a decision made by the SLP Administrator must submit the request in writing to the VP for Finance & Administration (VPFA) within two weeks of the denial of the *Sick Leave Pool Withdrawal Form* or the *Sick Leave Direct Donation – Recipient Form*. The VPFA will consult with the Director of Human Resources to review the appeal and render a final decision. The Director of Human Resources will prepare the written decision for the VPFA who will then send it to the employee who is appealing the initial decision.

Related Statutes, Policies, Regulations, or Rules

[System Regulation 31.03.02, Sick Leave](#)
[System Regulation 31.06, Sick Leave Pool](#)
[System Regulation 31.06.01, Sick Leave Pool Administration](#)
[System Regulation 31.06.02, Sick Leave Donation](#)
Texas Government Code, Chapter 661

Contact Office

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