Procedure 31.03.02.K1.01 Sick Leave

Revised June 1, 2011
Next Scheduled Review June 1, 2013

1. General

Eligible full time state employees earn eight hours of sick leave each month. In addition, employees are eligible for unpaid sick leave in certain circumstances. Details on sick leave appear in System Regulation 31.03.02

2. Eligibility

Full time employees earn eight hours of sick leave on their first day of work and may use that sick leave immediately if they have a qualifying need. Employees earn additional sick leave on the first day they are actually at work each month.

a) Multiple Employment:

In case of multiple (joint appointment) employment, leave is accrued the same way as for a single appointment. The unit of primary assignment should keep records.

b) Dual Employment:

In case of dual employment, sick leave accrues separately and must be recorded separately. Sick leave accrued in one position cannot be used to take time off from the other position. If the employee leaves one position, any sick leave accrued under that position does not transfer. A dually employed employee may not receive benefits in excess of those provided to a full time employee.

3. Granting Sick Leave

Employees should normally be granted sick leave when it is requested for a qualifying reason. If medical certification is required but not provided, the time off should be reclassified as vacation, compensatory time or leave without pay. Employees are obligated to complete the Leave of Absence form as soon as possible.

_in no case may an employee be granted paid leave time that he/she has_
not yet earned. Employees needing additional sick leave than has been accrued, vacation time, compensatory time, sick leave pool, sick leave without pay or leave without pay may be used.
4. Notification of Absence

Supervisors should set and communicate rules regarding notification of need for sick leave. Generally, employees should be encouraged to request sick leave as far in advance as possible for a planned need, such as a doctor’s appointment or scheduling surgery. For unexpected needs, employees should call (or have someone call on their behalf) before the workday begins or shortly after the beginning of the workday. Unless the employee knows and communicates in advance the numbers of days to be missed, a call should be made each day reporting their status and their expected return date.

5. Using Sick Leave

a) Faculty Members:

Faculty -- The Texas Legislature prescribes in the Appropriations Act that faculty who work at least 50% time earn sick leave and must be charged for the use of such sick leave. Recognizing that faculty do not necessarily have the workday schedule normally followed by staff, the University adopted the following procedures to account for sick leave usage by faculty.

For sick leave purposes, the faculty workday is divided into both time periods and scheduled events for the workday. There are two (2) time periods in each day--morning (midnight to noon) and afternoon/ evening (noon to midnight). Each time period is considered to be four (4) hours in length. Events include classes, office hours, meetings, and other assigned activities.

Time periods--If a faculty member misses all scheduled events in both the morning and afternoon/evening time periods due to illness, the faculty member will be charged for eight (8) hours of sick leave.

If a faculty member has scheduled events in both the morning and afternoon/evening time periods and misses all the scheduled events due to illness in just one (1) of the time periods, the faculty member will be charged four (4) hours of sick leave.

If a faculty member has scheduled events in both the morning and afternoon/evening time periods and misses one, but not all, of the events in one (1) of the time periods due to illness, the faculty member will be charged sick leave as a percentage of the time period missed. The percentage will be determined by
dividing the number of events missed by the number of events scheduled and multiplying the result by four (4) hours.
If a faculty member misses all scheduled events for the workweek (Sunday through Saturday), the faculty member will be charged forty (40) hours of sick leave.

If a faculty member misses a full semester, the faculty member will be charged the number of work hours for the entire length of the semester appointment (i.e., 9/1 through 1/15 or 1/16 through 5/31). The hours charged will be eight (8) hours per day (Monday-Friday) or forty (40) hours per calendar week as appropriate.

Examples: Professor Jones teaches a MWF class 9:00-10:00 and has scheduled office hours on Monday 2:00-3:00. Professor Jones also teaches an evening class MW 6:30-9:00.

(1) Professor Jones is ill on Monday and misses all events (MWF class, office hours, and MW class). Professor Jones will be charged eight (8) hours of sick leave.

(2) Professor Jones is ill on a Monday morning and misses the MWF morning class but does maintain scheduled office hours and teaches the MW evening class. Professor Jones will be charged four (4) hours of sick leave.

(3) Professor Jones on a Monday teaches the MWF morning class and holds regularly scheduled office hours, but illness forces Professor Jones to miss the MW evening class. Professor Jones will be charged two (2) hours of sick leave.

(4) Professor Jones misses the MWF class meetings, the Monday office hours, and the MW evening class meetings during a workweek due to illness. These are the only scheduled events for Professor Jones during this particular workweek. Professor Jones will be charged forty (40) hours of sick leave.

(5) Professor Jones misses the entire fall semester (9/1-1/15). Professor Jones will be charged 776 hours of sick leave (Aug = 0, Sept = 168, Oct = 176, Nov = 176, Dec = 168, Jan = 88). Note: the actual number of hours per month may vary as the calendar changes from year to year.

Note: these examples are based on a 100% full-time appointment. Proportionate deductions will be charged for less than full-time appointments.
b) Care for a sick relative:

State law is more restrictive in allowing employees to use sick leave to care for a relative not living in the employee’s household than in using sick leave for members in the employee’s household. For those outside the household, except for an employee’s minor child, sick leave may only be used for “the time necessary to provide care and assistance to a child, spouse or parent of the employee who needs such care and assistance as a direct result of a documented medical condition”. State law does not define “care and assistance”. Generally, simply visiting a sick relative in the hospital or at home does not qualify for sick leave.

c) Illness while on vacation:

If an employee becomes ill while on vacation, the days the employee is ill should be reclassified as sick leave. Generally, no doctor’s statement will be required if the period reclassified is three consecutive days or less. Reclassification of four or more consecutive workdays should be done only if an acceptable doctor’s statement is provided.

d) Illness on a declared holiday:

If an employee is ill on a holiday declared by the governor, that day should not be charged to sick leave, but holiday pay.

e) Sick leave for new parents:

A new mother may use sick leave for the amount of time allotted by her physician. Six weeks is the most common period for this recovery. A new father may use sick leave only for the time his wife needs care due to recovery from childbirth. This period is commonly only a day or two. A physician’s statement will be required to grant a father more than three days to care for his wife following childbirth. Either parent may use sick leave to care for their child, including a newborn, who is ill or injured. Sick leave may be used for adoption only if the child requires care due to illness or injury.

f) Parent/teacher conferences:

Employee may use up to eight hours of sick leave per calendar year to attend parent-teacher conferences regarding their pre-kindergarten to 12th grade children.
6. **Restoring Sick Leave**

   If an employee leaves TAMUK for any reason and subsequently begins working at a different state institution/agency (including any other System institution/agency) within 12 months, his/her sick leave balance must be restored.

   If an employee leaves TAMUK for any reason other than reduction in force (RIF) and then returns to the same or different state institution/agency after at least 30 calendar days but no more than 12 months, his/her sick leave balance must be restored.

7. **Documentation:**

   Employees who miss more than three consecutive days of work may be required to provide a physician’s statement indicating the general cause and duration of the condition requiring sick leave. Chief Executive Officers may require documentation for absences of three or fewer days.

8. **Excessive Use and Abuse of Sick Leave:**

   Using sick leave for purposes other than those specified in TAMUK policy/regulations is prohibited. If an employee is out on Family Medical Leave Act (FMLA) for three consecutive months and on qualified medical leave, the University retains the right to ask the University physician, or their designee for a second opinion, at the expense of the University. If the second opinion deems the employee is capable of continuing in their position, the employee will be expected to return to work or face disciplinary action, up to and including termination.

9. **In case of death**

   Upon the death of an employee who has at least six months of continuous state service and who has accumulated sick leave, the estate of the employee will be paid for one-half of the employee’s unused sick leave or for 336 hours of sick leave, whichever is less.

10. **Record Keeping**

    Sick Leave records must, by law, be maintained and available for public inspection. It is each employee’s responsibility to comply with the requirements for use of sick leave. It is each department’s responsibility to track and insure the Application for Leave of Absence form is completed with a copy forwarded to the Payroll Department. Failure to properly document absences and sick leave may result in disciplinary action, up to and including termination. Payroll will distribute an employee monthly vacation and sick leave report. Any discrepancies should be reported to Payroll immediately.